

# Discovery Objections Cheat Sheet California

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Chapter cross-references are to California Trial Objections.

### Objections to Competence to Testify

Cannot be understood	Evid C §701(a)(1); chap 18.
Does not understand duty to tell truth	Evid C §701(a)(2); chap 18.
No personal knowledge	Evid C §§702, 800; chap 18.
Juror cannot give subjective evidence impeaching verdict	Evid C §1150; chap 18.
Juror at this trial	Evid C §704(b); chap 18.
Judge at this trial	Evid C §703; chap 18.

### Objections to Form of Questions

Ambiguous or unintelligible	Evid C §765(a); chap 7.
Argumentative	Evid C §765(a); chap 14.
Assumes fact not in evidence	Evid C §§210, 765(a); chap 15.
Calls for narrative answer	Evid C §765(a); chap 10.
Calls for speculation	Evid C §§702, 800 (matter not in witness's personal knowledge), 801 (question calls for improper opinion); chap 16.
Compound	Evid C §765(a); chap 8.
Has been asked and answered	Evid C §765(a); chap 11.
Leading	Evid C §767; chap 13.
Misquotes a witness	Evid C §765(a); chap 12.
Too general	Evid C §765(a); chap 9.
Improper hypothetical question	<i>People v Vang</i> (2011) 52 C4th 1038; chap 20.

### Objections Concerning Experts

Information will not help trier of fact	Evid C §801(a); chap 20.	Use of new scientific technique that does not satisfy Kelly test	<i>People v Leahy</i> (1994) 8 C4th 587; chap 20.
Insufficient foundation to qualify as expert	Evid C §720, 801; chap 20.	Witness is basing opinion on material that may not reasonably be relied on	Evid C §801(b); chap 20.
Should give basis of opinion before stating opinion	Evid C §802; chap 20.	Improper legal opinion	Evid C §801(a); <i>Summers v A. L. Gilbert</i> (1999) 69 CA4th 1155; chap 20.
Subject matter not beyond experience of ordinary witness	Evid C §801(a); chap 20.	Improper hearsay	Evid C §801(b); <i>People v Sanchez</i> (2016) 63 C4th 665; chap 20.

### Objections to Offered Evidence

Communications made "for the purpose of, in the course of, or pursuant to" a mediation	Evid C §1119; chap 32.	Improper evidence of prior sexual conduct in rape case	Evid C §782; chap 22.
Cross-examination exceeds scope of direct examination	Evid C §§761, 773; chap 26.	Improper impeachment	Evid C §§352, 780, 785, 789, 1101–1103; chap 22.
Cumulative evidence	Evid C §352; chap 31.	Improper rehabilitation	Evid C §§780, 785, 789–791; chap 23.
Evidence of subsequent repairs or subsequent remedial conduct	Evid C §1151; chap 32.	Inadmissible opinion of lay witness	Evid C §§800, 802–803; chap 20.
Evidence that party has liability insurance	Evid C §1155; chap 32.	Inadmissible parol evidence	CCP §185b; chap 25.
Hearsay	Evid C §1200; chap 19.	Insufficient foundation	Evid C §403 or §405; chap 21.
Illegally obtained evidence	US Const amends IV, XIV; Cal Const art I, §13 (objection normally must be made before trial); chap 28.	Irrelevant evidence	Evid C §§210, 350–351; chap 17.
		Party's offer to compromise, or admissions made during compromise negotiations	Evid C §1152; chap 32.
		Writing not (properly) authenticated	Evid C §1401; chap 21.

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Discovery objections cheat sheet California is an essential tool for attorneys, paralegals, and legal professionals navigating the complex landscape of civil litigation in California. Discovery is a critical phase in litigation, where parties exchange information and evidence relevant to the case. However, it is not uncommon for parties to encounter disputes over the scope, relevance, or propriety of discovery requests. Understanding the various objections available can help ensure that the discovery process is fair and efficient.

## Understanding Discovery in California

Discovery in California is governed primarily by the California Code of Civil Procedure (CCP), which outlines the rules and procedures for obtaining evidence from the opposing party. The goal of discovery is to eliminate

surprises at trial and allow both parties to prepare their cases adequately.

## **Types of Discovery Methods**

California law provides several methods for discovery, including:

1. Interrogatories: Written questions that one party sends to another, which must be answered in writing and under oath.
2. Requests for Production: Requests for documents, electronically stored information, or tangible items relevant to the case.
3. Requests for Admission: Statements that one party asks the other to admit or deny, simplifying issues for trial.
4. Depositions: Sworn testimony taken from witnesses or parties before trial.
5. Physical and Mental Examinations: In certain cases, a party may request that the other party undergo a physical or mental examination.

Each of these methods can lead to various objections depending on the nature of the request and the circumstances surrounding it.

## **Common Grounds for Discovery Objections**

When responding to discovery requests, parties may raise objections based on several grounds. Understanding these objections is crucial for effective advocacy.

### **1. Relevance**

- Definition: Information sought through discovery must be relevant to the subject matter of the litigation.
- Objection: A party may object to a request if it seeks information that is not relevant to any party's claim or defense.

### **2. Overbroad and Unduly Burdensome**

- Definition: A discovery request may be deemed overbroad if it encompasses more information than is necessary to resolve the issues at hand.
- Objection: A party can object on the grounds that the request is unduly burdensome, meaning it would require excessive time, effort, or expense to comply.

### **3. Privilege**

- Definition: Certain communications may be protected from disclosure due to attorney-client privilege, work product doctrine, or other legal protections.
- Objection: A party can refuse to produce documents or answer questions that fall within a recognized privilege.

## **4. Confidentiality**

- Definition: Information that is confidential or proprietary may be protected from discovery.
- Objection: A party can object to a discovery request on the grounds that it seeks confidential business information or trade secrets.

## **5. Vague and Ambiguous**

- Definition: A request that is not clear or is open to multiple interpretations can be challenged.
- Objection: A party may object to requests that are vague or ambiguous, as they do not provide sufficient clarity for a proper response.

## **6. Cumulative or Duplicative**

- Definition: Information that has already been provided or is readily available from another source.
- Objection: A party may object to a request because it seeks information that is cumulative or duplicative of what has already been produced.

## **Crafting Effective Discovery Objections**

When drafting discovery objections, it is important to articulate them clearly and concisely. Here are some tips for crafting effective objections:

### **1. Be Specific**

- Clearly state the specific grounds for the objection.
- Provide a brief explanation of why the request is objectionable.

### **2. Cite Relevant Authority**

- Reference applicable statutes or case law to support the objection.
- This adds credibility and demonstrates a legal basis for refusal.

### **3. Provide Alternatives**

- If possible, suggest alternative ways to obtain the information that might be less objectionable.
- This shows a willingness to cooperate while still protecting your client's interests.

## 4. Use Clear Language

- Avoid legal jargon and unnecessary complexity.
- Ensure that your objections can be easily understood by both parties and the court.

## Sample Discovery Objections

Here are some examples of how to frame specific objections in discovery responses:

1. Relevance: "Defendant objects to Request for Production No. 5 on the grounds that it seeks documents that are not relevant to any claims or defenses in this action."
2. Overbroad: "Plaintiff objects to Interrogatory No. 3 as overbroad and unduly burdensome because it seeks all communications related to the subject matter of this litigation without limitation."
3. Privilege: "Defendant asserts the attorney-client privilege as to Request for Admission No. 7 and will not respond to the extent that it seeks privileged communications."
4. Confidentiality: "Plaintiff objects to Request for Production No. 10 on the grounds that it seeks confidential business information that is protected from disclosure."
5. Vague and Ambiguous: "Defendant objects to Interrogatory No. 4 as vague and ambiguous, specifically regarding the term 'reasonable efforts.'"
6. Cumulative: "Plaintiff objects to Request for Production No. 12 as cumulative, as similar documents were produced in response to prior requests."

## Responding to Objections

When an opposing party raises objections to your discovery requests, it is essential to respond appropriately. Here are strategies to consider:

### 1. Meet and Confer

- Engage in a discussion with the opposing party to resolve disputes informally.
- This may lead to a compromise or clarification of the requests.

### 2. File a Motion to Compel

- If the objections are deemed unjustified, consider filing a motion to compel discovery.

- Provide the court with a clear rationale for why the requested information is necessary.

### **3. Clarify Requests**

- If objections are based on vagueness or overbreadth, consider revising your requests to address those concerns.
- Clearer requests may reduce the likelihood of objections.

## **Conclusion**

A discovery objections cheat sheet California is a vital resource for legal professionals working in civil litigation. By understanding the common grounds for objections, crafting effective responses, and knowing how to deal with opposing objections, attorneys can navigate the discovery process more effectively. Mastery of these elements not only helps in protecting clients' interests but also promotes a more efficient and less adversarial discovery process. Whether you are drafting a response to a discovery request or preparing to object to an opposing party's requests, being well-versed in the rules and strategies surrounding discovery objections can significantly enhance your effectiveness in the courtroom.

## **Frequently Asked Questions**

### **What is a discovery objections cheat sheet in California?**

A discovery objections cheat sheet in California is a tool used by attorneys to quickly reference common objections that can be raised during the discovery process in a legal case, such as objections to requests for production, interrogatories, or depositions.

### **Why is a discovery objections cheat sheet important in California litigation?**

It is important because it helps attorneys efficiently navigate the discovery process, ensuring they can promptly and effectively object to irrelevant, overly broad, or burdensome requests, thus protecting their clients' interests.

### **What are some common objections included in a California discovery objections cheat sheet?**

Common objections include relevance, privilege, overbroad, unduly burdensome, compound questions, and calls for speculation.

### **How can a discovery objections cheat sheet assist in trial preparation?**

It assists in trial preparation by allowing attorneys to streamline their

approach to discovery disputes, ensuring they have a clear strategy for objecting to improper discovery requests and preserving those objections for trial.

## **Are there specific California rules that govern discovery objections?**

Yes, California's Code of Civil Procedure, particularly sections 2030 (interrogatories), 2031 (requests for production), and 2025 (depositions), outline the rules and procedures for making and responding to discovery objections.

## **Can a discovery objections cheat sheet be customized for specific cases?**

Yes, attorneys can customize a discovery objections cheat sheet based on the specific issues and types of discovery requests involved in their case, tailoring it to better address their client's unique needs.

## **Where can attorneys find templates or examples of discovery objections cheat sheets?**

Attorneys can find templates or examples of discovery objections cheat sheets through legal practice guides, bar association resources, legal research databases, or by collaborating with colleagues in their law firm.

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