



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

Governor signs CAOC-backed depo limits measure

AB 1875 will put an end to marathon depositions that can end in death

SACRAMENTO (Sept. 17, 2012) – Gov. Jerry Brown today signed a CAOC-backed measure to ensure that the elderly and ailing can be protected from marathon depositions that in some instances have ended in death.

Brown signed AB 1875 by Assemblyman Mike Gatto (D-Burbank) despite lobbying by the California Chamber of Commerce against the measure, which will limit depositions of individual parties in most cases to no more than seven hours.

“This new law will reduce litigation costs for both sides,” said CAOC President Niall McCarthy. “More importantly, it will allow cases to be decided on the merits, rather than by wearing down a witness over a few days. Depositions should elicit truth, not be tests of endurance. This new law will benefit plaintiffs throughout California, and enhance the civil justice system.”

The impetus for the bill was a series of complaints from CAOC members about an increase in the number of lengthy depositions that add to the cost of litigation and often result in needless abuse of physically vulnerable people, putting their health at risk. In one case, a terminally-ill man was deposed over 41 days and died just an hour after his final deposition. In another case, a routine financial elder abuse case led to three days of depositions of a frail and elderly client.

To avoid such abusive and often dangerous litigation strategies, the federal court system limits depositions to a single day consisting of seven hours. AB 1875 originally had the same limit, but was amended to address concerns raised by the California Defense Counsel and others.

AB 1875 does not apply the seven-hour limit to employment disputes and complex cases, though people who are found by a physician to be dying would face no more than 14 hours of questioning in a complex case. In addition, the restrictions would not apply to expert witnesses or other “most qualified” deponents.

In all cases, the bill specifically allows additional time if stipulated. A judge can also allow more time if needed to fairly question a witness or if the deponent delays or impedes the proceedings.

The measure won the backing of major consumer rights and labor groups, but was opposed by the Chamber and other business interests. With Brown’s signature, it will now take effect Jan. 1, 2013. More information on AB 1875 is [available here](#).

Consumer Attorneys of California is a professional organization of plaintiffs’ attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

For more information:

**J.G. Preston, CAOC Press Secretary, 916- 669-7126, jgpreston@caoc.org
Eric Bailey, CAOC Communications Director, 916-669-7122, ebailey@caoc.org**