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Seeking Justice for All

One-day limit on depositions passes committee muster AB 1875 (Gatto) would allow judges to grant more time if needed

SACRAMENTO (May 1, 2012) – A key Assembly committee today approved a CAOC-backed measure that would place sensible limits on legal depositions that can sometimes turn into marathon sessions that stretch for days or weeks, wasting time and money while putting ill plaintiffs at risk.

The Assembly Judiciary Committee approved AB 1875 by Assemblyman Mike Gatto (D-Burbank) and supported by the Consumer Attorneys of California on a 7-3 vote after hearing from the wife of a patient who succumbed to asbestos-related cancer after 22 days of deposition.

“On the 23rd day, his attorney informed the defendants that John was unavailable for deposition....He had passed away the night before,” Joan Sequeira told the committee in relating the story of how her husband, John Tommaney, passed away from mesothelioma before he could have his day in court.

AB 1875 proposes adopting in California courts the limits on depositions now in force at the federal level – seven hours of deposition over the course of a single day. The measure allows either side to ask a judge for more time if necessary because of the complexity of a lawsuit or other compelling reasons.

“This is common sense legislation,” CAOC President Niall McCarthy said after the hearing. “Allowing a deposition to needlessly drag on is a waste of time and money for both sides in a legal dispute.”

The committee vote came despite opposition from the California Chamber of Commerce on the grounds that complex litigation often requires more time for depositions than allowed under AB 1875.

Gatto, the bill’s author, countered that the bill allows judicial discretion to give more time. Plus, he said, plenty of busy business executives might welcome the limits because they are eager to cut short depositions in order to get back to work and save legal costs.

Another committee member, Assemblyman Roger Dickinson (D-Sacramento), wryly noted that opposition from CalChamber and tort reform groups seemed out of character: “I thought the opponents were in the business of seeing litigation trimmed down.”

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.

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