

DISCOVERY

Requests for Production of Documents or Things

This Guide includes instructions and sample forms. Links to download the fillable forms are at the end of this Guide. Additional copies of this Guide can be accessed at: www.saclaw.org/request-production.

BACKGROUND

Requests for production may be used to inspect and copy documents or tangible items held by the other party. Generally, a request for production asks the responding party to make available the original documents, but a requesting party may permit photocopies of the requested documents be sent instead, if inspection of the original document is not necessary. Requests for production can also be used to test, measure, photograph, etc., physical evidence in the other party's possession or control.

California law places strict limits on the number of discovery requests a party can make. In a limited civil case (cases less than \$25,000) you may ask each party only 35 questions total, whether they are form interrogatories, special interrogatories, requests for admission, or requests for production of documents. Keep this limit in mind when writing your requests, to ensure that you are able to obtain all the information you'll need for your case. If you ask the other party to produce 35 types of documents, you will not be able to serve any interrogatories or request any admissions. If you determine that you cannot obtain all the necessary information in 35 requests, you must file a motion with the court asking for permission to propound more discovery requests ([California Code of Civil Procedure \(CCP\) § 95](#)), or may even request that the court remove the case from the discovery restrictions of a limited civil case altogether ([CCP § 91](#)). See the sources listed at the end of this Guide for more information.

You may also need....

Step-by-Step Guides on Making Discovery Requests

- [Form Interrogatories](#)
- [Requests for Admission](#)
- [Special Interrogatories](#)

Step-by-Step Guides on Responding to Discovery

- [Responding to Interrogatories](#)
- [Responding to Requests for Admission](#)
- [Responding to Requests for Production](#)

Other Guides on Discovery

- [Depositions](#)
- [Exchange of Expert Witness Information](#)
- [Gather Information for your Case](#)

Related Videos

- [Introduction to Discovery](#)

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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In an unlimited civil case (cases for more than \$25,000), each party may make an unlimited number of requests for production. These requests, like the requests in a limited civil case, must all be reasonably calculated to lead to the discovery of relevant, admissible evidence. If the number of demands made by the requesting party are abusive, the responding party may file a motion requesting a protective order ([CCP § 2031.060](#)).

STEP-BY-STEP INSTRUCTIONS

Step 1: Complete Your Requests for Production

There is no fill-in-the-blanks form for your requests. Instead, you must write your own requests on pleading paper. A sample is at the end of this Guide. You may download a customizable template for your requests from this link:

- [Requests for Production of Documents or Things](#)

The template provides language for each of the manners in which you may inspect the documents or things requested. To avoid confusion, remove the paragraphs for the options you do not choose.

- **Inspect and photocopy original documents at a legal photocopying service.** Choose this option if it is important that you inspect the original documents. You will need to list the location, date and time for production. Select a date at least 30 days after service of your request (35 days, if served by mail within California), and a reasonable location that will permit you to inspect, photocopy or test the items in the presence of the responding party or his or her representative.
- **Receive photocopies of documents by mail.** If it is not important that you inspect the original documents, this option can be convenient. Keep in mind that this option is being offered as a courtesy to the responding party. The responding party may produce the originals at the reasonable time and date specified in lieu of mailing photocopies, especially if photocopying the documents would be burdensome. So, when choosing this option, you will need to list both the address to which photocopied documents should be mailed, or the address, date, and time for production of originals. Select a date at least 30 days after service of your request (35 days, if served by mail within California), and a reasonable location that will allow you to inspect, photocopy or test the items in the presence of the responding party or his or her representative, such as a legal photocopying service.
- **Inspect the documents or things at their current location.** This option is useful if you need to inspect a premises or large items that are difficult to move. Be sure to list the address, date and time of the inspection. Select a date at least 30 days after service of your request (35 days, if served by mail within California).

Many litigants prefer to set the date of production later than 30 or 35 days. This way, the propounding (requesting) party will have the responding party's written responses in advance of the production date. The propounding party then knows what documents and things will be available for photocopying, testing, etc., on the date of production, and will also have the opportunity to attempt to work out any minor discovery disputes or misunderstandings informally, prior to the actual production.

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Step 2: Make Copies

Make one photocopy of your requests for each party (other than you) in the case.

Step 3: Have Your Requests Served

A photocopy of your requests must be served on the attorney for the responding party or directly to the responding party if he or she is self-represented (*in pro per*). Courtesy copies should be served on all other attorneys or self-represented parties in the case. Service may be completed by mail, by a person over the age of 18 who is not a party to the case. The person serving your requests must complete a [Proof of Service by First Class Mail \(POS-030\)](#). For more information, see the Step-by-Step guide on Proof of Service by Mail on our website at www.saclaw.org/mail-service.

Step 4: Retain Your Originals

Your original requests for production and signed proof of service should be retained for your records. If the other party does not respond to your requests, you may use these documents to support a motion to have the court compel the other party to produce the requested documents. For more information, see the Step-by-Step guide on Motions to Compel on our website at www.saclaw.org/motion-compel.

FOR HELP

The Sacramento County Public Law Library's Civil Self Help Center offers assistance with the discovery process:

Introduction to Written Discovery Class

1:30 p.m. to 3:30 p.m., 1st Thursdays of the Month.

Come to understand what discovery is, how to answer questions you received by mail, and how you can use discovery yourself. Bring a USB flash drive to download sample forms. The Law Library sells USB drives at the Circulation Desk. Arrive by 1:20 p.m.

Discovery Lab

1:30 p.m. to 3:30 p.m., 2nd & 4th Thursdays of the Month.

Work on your discovery requests or responses in this drop-in computer lab. Bring your USB flash drive with your requests or responses. No entrance after 3:15 p.m. Lab closes promptly at 3:30 p.m. The Introduction to Written Discovery Class is a prerequisite for the Discovery Lab.

FOR MORE INFORMATION

On the Web:

[Introduction to Discovery – Part 8: Propounding Requests for Production](http://saclaw.org/law-101/self-help-videos/#discovery)

<http://saclaw.org/law-101/self-help-videos/#discovery>

Part 8 of this video series from the Sacramento County Public Law Library's Civil Self Help Center will help you understand what Requests for Production are, and how to propound these types of requests.

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At the Law Library:

California Civil Discovery [KFC 1020 .H64](#)

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Civil Discovery Practice [KFC 1020 .C35](#)

Electronic Access: On the Law Library's computers, using *OnLaw*.

California Civil Litigation and Discovery [KFC 995 .G674](#)

California Deposition and Discovery Practice [KFC 1020 .D44](#)

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Discovery Citations [KFC 1020 .F56](#)

Electronic Access: On the Law Library's computers, using *WestlawNext*.

California Forms of Pleading and Practice [KFC 1010 .A65 C3](#) (Ready Reference)

Electronic Access: On the Law Library's computers, using the *Matthew Bender CD*.

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Practice Guide: Civil Procedure Before Trial [KFC 995 .W4](#)

Electronic Access: On the Law Library's computers, using *WestlawNext*.

Matthew Bender Practice Guide: California Civil Discovery [KFC 1020 .M37](#)

Electronic Access: On the Law Library's computers, using the *Matthew Bender CD*.

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

ATTACHMENTS: FORMS AND INSTRUCTIONS

There is no fill-in-the-blanks form for your requests. Instead, you must write your own requests on pleading paper. You may download a customizable template for your requests from this link:

- [Requests for Production of Documents or Things](#)

A sample filled-in form with instructions is available at the end of this Guide.

1 PAUL SAMPLE
123 ANYSTREET
2 SACRAMENTO, CA, 95814
3 916-555-1212
4 Defendant, In Pro Per

Responding party's name, address and telephone number. "In Pro Per" means you are representing yourself.

5
6
7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SACRAMENTO

County.

Case number.

10 ACME, INC.

Case No.: 34-2010-00099999

11 vs.

Plaintiff(s)

Party names.

DEFENDANT PAUL SAMPLE'S REQUEST
FOR PRODUCTION OF DOCUMENTS OR
THINGS

12 PAUL SAMPLE

SET ONE

Name and party designation of requesting party, and the set number.

13 Defendant(s)

Names of the propounding (asking) and responding parties, and the set number.

14
15
16 PROPOUNDING PARTY: PAUL SAMPLE
17 RESPONDING PARTY: ACME, INC.
18 SET NUMBER: ONE (1)

Describe what you are asking the responding party to do. This may be permitting you to inspect or copy items, or may be a description of the tests you wish to conduct, or that you wish to take photographs, etc.

To Plaintiff, Acme, Inc. and to its attorney of record:

19 Defendant, Paul Sample, demands that you produce and permit the inspection and copying by or
20 on behalf of himself/herself of the documents and/or tangible things in the categories described
21 below.

You have three options for having documents or items produced. Below is a paragraph for each option. To avoid confusion, remove the paragraphs for the options you do not choose, as well as the check box for the option you do choose.

22 PLACE AND

23 Production is to be by production of the original documents or things for inspection and
24 copying at: Fred's Copy Shop, 321 Alamo Blvd., Sacramento, CA 95815, on May 1, 2009 at
25 9:00 am. Requesting party or requesting party's agent will inspect and copy the documents and
26 then return forthwith to the responding party or responding party's agent the original documents
27 or things. If unable to produce documents on this date, please contact
28 this date to set up a mutually agreeable time and date.

Option 1: Inspect and photocopy original documents at a legal photocopying service. List the location, date and time for production. Describe what you will be doing with the produced documents or things.

Option 2: Receive photocopies of documents by mail, or if the other party prefers, originals may be produced for inspection and photocopying. Be sure to list the address to which documents should be mailed, or the address, date and time for production of originals.

Production may be satisfied by serving by mail to 123 Any Street, Sacramento, CA 95814, legible copies of the items to be produced, accompanied by a written affidavit stating that they are true copies, no more than thirty-five (35) days after service of this Request. If any document is two-sided, a copy of both front and back is required. Originals may instead be produced for inspection and copying by the requesting party or requesting party's agent at Fred's Copy Shop, 321 Alamo Blvd., Sacramento, CA 95815, on May 1, 2009 at 9:00 am.

Inspection of the documents or tangible things described below is to be at their present location, 321 Anyotherstreet, Sacramento, CA 95815 on May 1, 2009 at 9:00 am. If unable to produce documents and/or things on this date, please contact the requesting party before this date to set up a mutually agreeable time and date.

Option 3: Inspect documents or other items at their current location. Be sure to list the address, date and time of the inspection.

CATEGORY OF DOCUMENTS OR THINGS TO BE PRODUCED:

1. Any and all non-privileged statements, correspondence, or other documents, you were sent to the Defendant by the Plaintiff or Plaintiff's Assignor(s) regarding the debt alleged in the Complaint within the five years preceding February 1, 2010.
2. Any and all non-privileged correspondence or other document in your possession or control sent by the Defendant to the Plaintiff or the Plaintiff's assignors in the five years preceding February 1, 2010.
3. Any and all non-privileged documents evidencing any payment on the debt or account alleged in the Complaint by the Defendant in the five years preceding February 1, 2010.
4. Any and all non-privileged documents identified in your responses to the Form Interrogatories, Set One, served with this request.

List each document or item, or category of document or item, you wish produced. Be as specific as possible, and include enough information to make the requested documents easily identifiable.

The template includes space for four descriptions of the documents or things to be produced. Remove those you do not use, or add additional descriptions as needed.

Respectfully submitted,

Dated March 14, 2011

Name, date and signature of requesting party.

By: _____

Paul Sample, Defendant In Pro Per