Discovery: Responding to Requests for Production or Inspection

Requests for production may be used to inspect and copy documents or tangible items held by another party. Although these requests are most commonly used to obtain copies of documents, they can also be used to test, measure, photograph, etc., any type of physical evidence in the other party's possession or control. Generally, a request for production of documents asks the responding party to make available the original documents, but the propounding (asking) party may request that photocopies be sent instead, if inspection of the original document is not necessary.

Templates and Forms

- Response to Requests for Production Template – DOCX (https://saclaw.org/sbs-discovery-responding-to-requests-for-production-responses-1/)
- Proof of Service by First Class Mail (POS-030) (http://www.courts.ca.gov/documents/pos030.pdf)

The requests you receive should include very specific information about what you are being asked to do, such as sending photocopies of documents to the other party; delivering original documents to a specific location, such as a copy shop, at a particular date and time; or allowing the other party to inspect documents or things in their current location at a specific time. The requests will also include a list of documents or things, or categories of documents or things, you are asked to produce or allow to be inspected.

Related Discovery Guides

Visit our Discovery topic page (https://saclaw.org/legal_topic/discovery-process-to-get-evidence-from-other-side/#research_guides) for a complete list of our discovery guides and videos.

Your response to a request for production consists of two parts:

- One part is a written response to the requests, in which you state under penalty of perjury that you will produce the requested items; that you will not produce and why; or that you object to a request on legal grounds.
- The second part of your response is the actual production of the requested documents or things in the manner specified in the requests.

Step-by-Step Instructions

(1) **Complete Your Written Responses**

There is no Judicial Council form specifically for this procedure. Instead, the relevant document must be typed on 28-line pleading paper. A customizable template may be downloaded from this link:

- [Responses to Requests for Production](https://saclaw.org/sbs-discovery-responding-to-requests-for-production-responses-1/) (https://saclaw.org/sbs-discovery-responding-to-requests-for-production-responses-1/)

A sample completed written response is available at the end of this Guide.

You have 30 days from the date the requests were served to serve your written response. Your response for each request must include either an agreement to comply, a representation of your ability to reply, or an objection to all or part of the request. California Code of Civil Procedure (CCP) §§ 2031.210 et. seq (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CCP&division=&title=4.&part=4.&chapter=14.&article=2.) require specific statements in your response. The sample at the end of this Guide includes the four most common responses to a request for production, and includes the legally required statements. Use the sample as a guide for writing your own responses, to ensure that you are including all of the required statements. For each request, you will state one of the following:

- **That the request will be allowed in whole.** (CCP § 2031.220 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2031.220.)). This means that you are in possession of the requested documents or things, and will produce them in the manner indicated in the request;
- **That you are unable to comply with the request, because the requested document or thing has never existed.** (CCP § 2031.230 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2031.230.)). You must make a "diligent search and reasonable inquiry" into finding the requested items, and state in your response that you have made this effort;
- **That you are unable to comply because the requested items no longer exist, or are no longer in your possession**. (CCP § 2031.230 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2031.230.)).You must make a "diligent search and reasonable inquiry" into finding the requested items, and state in your response that you have made this effort. You must also describe what the items were, and explain what happened to them. If known, you must include the name and address of the person or organization in possession of the requested items; or
- **That you will produce some, but not all, of the requested items, because some of the requested items no longer exist, or are no longer in your possession.** (CCP § 2031.230 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2031.230.)). You must make a "diligent search and reasonable inquiry" into finding the requested items, and state in your response that you have made this effort. You must describe which items will not be produced, and why they cannot be produced.

Objections

Sometimes, rather than responding about your ability to produce the requested documents or things, you may object to the request on legal grounds. Common objections to requests for production or inspection include:

- **The request is overly broad or unduly burdensome.** The propounding (requesting) party must include enough information to make the requested documents easily identifiable. This may include information about how the requested documents are likely stored, indexed, or otherwise accessible. You may object to a request if it would require an extreme amount of work to identify and produce the requested items. For example, if the other party asks you to produce "any and all records from your bank account," you may want to object, as this request is overly broad, and it is unduly burdensome for you to locate and produce every document you have ever received from your bank since you opened the account.
- **The request is vague, ambiguous, or unintelligible**. Sometimes, it is impossible to determine what the propounding party is asking you to produce. In these situations, you may object to the request on the grounds that it is vague, ambiguous, or unintelligible. For example, if the request just reads, "Produce the documents you showed me," the request would be vague or ambiguous, since you might have shown the requesting party many documents on numerous occasions. If the request makes no sense, such as "Produce the admit you were on October 15, 2013," the request is unintelligible, as the requesting party likely mixed together several different items, resulting in something that makes no sense.
- **The request is not reasonably calculated to lead to the discovery of relevant, admissible evidence.** All requests for production must be relevant to the issues in the case. If a request does not lead to the discovery of relevant, admissible evidence, you may object. For example, in a car accident case, if the propounding party asks you to produce all account statements for your checking account for the past five years, you may want to object to the request. Unless your banking habits relate to the accident, this request will not likely lead to relevant evidence in the case.

There are many other objections that may be raised in your response to requests for production. See the resources listed at the end of this Guide for more information. If only a part of the request is objectionable, you are required to comply with the portion of the request that is not objectionable. ([CCP § 2031.240](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2031.240.)).

Unless your written response includes **only** objections without any factual assertions, it must be verified. This means it must include a statement under the penalty of perjury that your response is true and correct. ([CCP § 2031.250](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2031.250.)). Failure to include this verification has the same effect as not responding at all.

(**2**) **Make Copies**

Make one photocopy of your response for yourself and one for each party in the case, other than the propounding party. The propounding party will receive your original response.

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(3) Have Your Response Served

Your original written response must be served on the attorney for the propounding party, or directly to the propounding 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 form, typically a *Proof of Service by First Class Mail* (POS-030) (http://www.courts.ca.gov/documents/pos030.pdf) . For more information, see our guide on Proof of Service by Mail (https://www.saclaw.org/resource_library/serving-documents-by-mail/) .

(4) Retain Your Response and Proof of Service

Retain a photocopy of your written response and the original signed proof of service for your records. You do not need to file your response or proof of service with the court. If the other party claims you did not respond, you may use these documents to defend yourself against a Motion to Compel. For more information, see our guide on Motion to Compel (https://www.saclaw.org/resource_library/motion-to-deem-facts-admitted/) .

(5) Produce the Requested Documents and Things

You must provide the propounding party with access to the requested documents and things at the time and location indicated in the request for production. Other parties in the case may be present at the specified time and location to perform their own inspections. However, if the other parties wish to have access to the documents or things at a different time or location, they will need to propound their own request for production.

If the propounding party indicated that they would accept photocopies of documents, you may mail these photocopies to the attorney for the propounding party, or directly to the propounding party if he or she is self-represented (in pro per), at the same time as your written response, or separately. Although not required, many attorneys provide copies of the requested documents to all parties in the case, because it helps streamline litigation and reduces duplicative demands for inspection.

For More Information

On the Web

Introduction to Discovery – Part 9: Responding to Requests for Production (https://www.saclaw.org/video-library/discovery-9-response-to-request-for-production/)
Part 9 of this video series from SH@LL (then known as Civil Self-Help Center) will help you understand what Requests for Production are, and how to respond to these types of requests.

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

California Forms of Pleading and Practice KFC 1010 .A65 C3 (Ready Reference)
Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Practice Guide: Civil Procedure Before Trial KFC 995 .W45

Matthew Bender Practice Guide: California Civil Discovery KFC 1020 .M37
Electronic Access: On the Law Library's computers, using *Lexis Advance*.

Samples

PAUL SAMPLE
123 ANYSTREET
SACRAMENTO, CA, 95814
916-555-1234
Defendant, In Pro Per

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

> Case number

ACME, INC.

> Party names and designations.

           Plaintiff(s)

           vs.

PAUL SAMPLE

           Defendant(s)

Case No.: 34-2010-00099999

DEFENDANT PAUL SAMPLE'S
RESPONSES TO PLAINTIFF ACME, INC'S
REQUEST FOR PRODUCTION

SET   ONE

> Set number. This number must match the number shown on the requests.

PROPOUNDING PARTY: ACME, INC.
RESPONDING PARTY: PAUL SAMPLE
SET NUMBER: ONE (1)

> Names of the propounding (asking) and responding parties, and the set number. This number must match the number shown on the requests.

     RESPONDING PARTY hereby answers PROPOUNDING PARTY's Request for Production:

> The numbering and order of your responses must match the requests.

RESPONSE TO REQUEST FOR PRODUCTION 1:

The production demanded in Request No. 1 will be allowed in whole. The documents requested are in possession of the Defendant and will be included in this production.

> Use this language if the request will be allowed in whole. This means that you are in possession of the requested documents or things, and will produce them in the manner indicated in the request.

RESPONSE TO REQUEST FOR PRODUCTION 2:

The responding party is unable to comply with Request No. 2 because no such documents exist. A diligent search and a reasonable inquiry have been made in an effort to comply with this demand.

> Use this language if you are unable to comply with the request because the requested document or thing does not exist. You must make a "diligent search and reasonable inquiry" into finding the requested items, and include this language in your response.

Responses to Request for Production– 1

Response to Request for Production (page 1)

1

2

3 RESPONSE TO REQUEST FOR PRODUCTION 3:

4 The responding party is unable to comply with Request No. 3 because the

5 documents requested were lost in a fire on May 2, 2008. The documents that were

6 lost consisted of monthly bank statements from Bank Co. for the account alleged in

7 the Complaint during the entire period requested. A diligent search and reasonable

8 inquiry have been made in an effort to comply with this demand.

9

10 RESPONSE TO REQUEST FOR PRODUCTION 4:

11 The responding party will produce the documents in his possession and control,

12 however cannot fully comply with Request No. 4 because some documents are

13 no longer in the possession and control of the responding party. The original of

14 these documents were given to Henry Example, at 11224 Elm Street, Sacramento

15 California. No telephone number is presently known for him. These documents

16 included a contract for the sale of a 1966 Chevrolet Impala dated on or around

17 May 1, 2000, and signed by Paul Sample and Henry Example. The original of

18 this contract was in the possession of Henry Example, and a duplicate was in the

19 possession of the responding party. The duplicate was lost in a fire on May 2, 2008.

20 A diligent search and a reasonable inquiry have been made in an effort to comply

21 with this demand.

22

23 I declare under penalty of perjury under the laws of the State of California that the

24 foregoing is true and correct.

25

26 Dated: _____   _____

Paul Sample, Defendant In Pro Per

27

28

Use this language if you are unable to comply because the requested items no longer exist, or are no longer in your possession. You must make a "diligent search and reasonable inquiry" into finding the requested items and include this language in your response. You must also describe what the items were, and explain what happened to them.

Use this language if you will produce some, but not all, of the requested items, because some of the items requested no longer exist, or are no longer in your possession. You must make a "diligent search and reasonable inquiry" into finding the requested items, and include this language in your response. You must also describe which items will not be produced, and why they cannot be produced.

This verification is required if your responses include any factual assertions.

Responses to Request for Production– 2

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