

Unlawful Detainer Discovery

CALCULATING DEADLINES

Recommended use:

This is a fillable PDF that you can download as a file + use with Adobe Acrobat's desktop app. The app will allow selecting dates from a calendar dropdown menu + auto-populate calendar day calculations using those dates.

Deadlines

What is discovery?

- Parties can gather evidence (i.e., information and documents) from each other in a lawsuit.

What is the discovery window?

- The discovery window is when discovery can be requested and provided:
 - **1st day** a party can serve discovery requests is when it opens (differs for each party); and
 - **Last day** to serve discovery responses is when it closes (same for all parties).
- Discovery window opens* 5 calendar days after **either** the Summons and Complaint is served **or** Tenant makes an appearance in the lawsuit (e.g., files an Answer)—whichever occurs first.
 - *This applies only to Landlord; Tenant can technically serve discovery requests at any time.
- Discovery window closes 5 calendar days before the trial date.
 - **! Always a court day (CCP § 2016.060):** If the discovery window closes on a non-court day (i.e., weekend or court holiday), then the cutoff rolls forward to the **next court day**.

What is the difference between calendar and court days?

- Calendar days include all days: Monday–Sunday, including court holidays.
- Court days exclude the weekend (Saturday–Sunday) and court holidays.
 - 💡 To calculate CA court days, consider using the [L.A. Superior Court Date Calculator](#).

What are discovery response deadlines?

- The deadlines are the last day for a party to serve discovery responses, depending on the discovery request's service of process (SOP). Discovery responses are due when served via:
 - **Personal SOP:** 5 calendar days
 - **Overnight mail/Email SOP:** 5 calendar days + 2 court days thereafter
 - Email SOP requires that either the served party is represented by an attorney or they agreed previously to this SOP as an unrepresented party.
 - **Regular mail within CA SOP:** 10 calendar days
- When counting days: Do not include the discovery request's date of service—begin counting the next calendar day after it (i.e., the next calendar day = Day 1).
 - **! Always a court day (CCP § 2016.060):** If the discovery response deadline for any SOP falls on a non-court day, then the deadline rolls forward to the **next court day**.

Hypo

If the trial date is on the 24th,
when does the discovery window close (i.e., when discovery must be completed by)?
What is the last day to serve a request via Personal, Overnight/Email, or Regular mail in CA?

Sun	Mon	Tue	Wed	Thurs	Fri	Sat
1	2	3	4	5	6	7
8	9 Last SOP day for Regular	10	11	12 Last SOP day for Overnight	13	14 Last SOP day for Personal
15	16	17	18	19 Discovery window closes	20	21
22	23	24 Trial date	25	26	27	28

The trial date is still on the 24th. If Landlord serves a discovery request on the 2nd,
what is the discovery response deadline (i.e., the last day to serve responses)
if it was served via Personal, Overnight/Email, or Regular mail in CA?

Sun	Mon	Tue	Wed	Thurs	Fri	Sat
1	2 If Landlord serves a discovery request this day via...	3	4	5	6	7 Personal SOP deadline but get until next court day
8	9	10 Overnight SOP deadline	11	12 Regular SOP deadline	13	14
15	16	17	18	19	20	21
22	23	24 Trial date	25	26	27	28

More Hypo Questions

When are discovery responses due that were served personally on the 3rd?

A discovery request was emailed on the 11th. Are discovery responses served on the 16th timely?

When are discovery responses due that were mailed regular within CA on the 9th?

If trial is instead on the 19th, when are responses due if requests were overnighted on the 10th?

If trial is instead on the 27th, when does the discovery window close?

The 9th; the deadline is over the weekend (8th), so it is extended to the next court day.

The 17th, but the discovery request is untimely; discovery closed on the 16th (next court day).

The 19th; the day the discovery window closes is the last day for discovery responses to be due.

Since the 22nd is not a court day, the 23rd; the discovery window must close on a court day.

Yes, the discovery response deadline is on the 18th, and Tenant can serve responses before then.

Calculate Your Deadlines

Discovery Window Opens for Landlord:
(Whichever occurs first)

5 calendar days post-service of Summons & Complaint is on: _____

5 calendar days post-Tenant's 1st appearance in the lawsuit (e.g., filed an Answer) is on: _____

Discovery Window Closes:

Trial date	1 calendar day before	2 calendar days before	3 calendar days before	4 calendar days before	5 calendar days before = Last day for responses to be due *Must be a court day (if applic., next court day)

Discovery Request Deadlines: *(Complete for all SOP methods)*

Discovery window closing date	Start at the Discovery window closing date (Day 1) and count backwards ...	SOP deadline = Last calendar day to serve a discovery request (i.e., day before countdown)
	Personal SOP: 5 calendar days (Days 2-5)	_____ (Day 6)
	Overnight/Email SOP: 1 court day (Day 2) + then 5 calendar days (Days 3-7)	_____ (Day 8)
	Regular mail within CA: 10 calendar days (Days 2-10)	_____ (Day 11)

Discovery Response Deadline: *(Select the applicable SOP method)*

Personal SOP:

Discovery request date of service	1 calendar day later	2 calendar days later	3 calendar days later	4 calendar days later	5 calendar days later = Last day to serve response *Must be a court day (if applic., next court day)

Overnight mail/Email SOP:

Discovery request date of service	1 calendar day later	2 calendar days later	3 calendar days later	4 calendar days later	5 calendar days later	1 <u>court day</u> later	2 <u>court days</u> later = Last day to serve response

Regular mail within CA SOP:

Discovery request date of service	1 calendar day later	2 calendar days later	3 calendar days later	4 calendar days later	5 calendar days later	6 calendar days later	7 calendar days later	8 calendar days later	9 calendar days later	10 calendar days later = Last day to serve response *Must be a court day (if applic., next court day)

Fill out the tables, starting with blue columns + ending with red columns.

For Adobe Acrobat's desktop app use: This page's auto-population is only for calendar days. For calculations with court days, [click here](#) to check for CA state court holidays.

Calendar Template for Your Deadlines

Complete the calendar template with your deadlines, considering the following:

- Are there **court holidays**? [Click here for the current CA state court holiday schedule.](#)
- When does the **discovery window open for Landlord**? NOTE: Tenant can technically serve discovery requests at any time.
- When is the **trial date**?
- When does the **discovery window close for both Landlord and Tenant**?
- What are **both Landlord and Tenant's deadlines to serve discovery requests via Personal, Overnight/Email, and Regular mail in CA SOP**?
- If discovery requests were served timely, when are **responses due**?

This page is fillable so you can notate deadlines in the calendar template below.
 For Adobe Acrobat's desktop app use: Calendar dates will auto-populate based on the trial date you selected on page 3.

Sun	Mon	Tue	Wed	Thurs	Fri	Sat
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>