

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1874

By: Laster

AS INTRODUCED

An Act relating to civil procedure; requiring certain schedule and plan; authorizing use of certain procedures; allowing sanctions under certain circumstances; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3225.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

As soon as is practicable after setting a trial date, the court shall prepare a discovery schedule and plan consistent with any time limits that the court may set for the completion of discovery. Such discovery plan shall require cost-effective discovery through good faith exchange of information among litigants and their attorneys and through the use of cooperative discovery devices and shall conserve judicial resources by prohibiting the consideration of discovery motions unless accompanied by a certification that the moving party has made a reasonable and good faith effort to reach agreement with opposing counsel on the matters set forth in the motion. The court may also implement procedures to identify and limit the volume of discovery available to avoid unnecessary or unduly burdensome or expensive discovery and to phase discovery into two or more phases. The court may sanction any party not participating in good faith with the discovery schedule and plan; such sanctions may include sanctioning of the offending lawyer or law firm and the granting of default judgment.

SECTION 2. This act shall become effective November 1, 2006.

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