

THE HOUSE OF REPRESENTATIVES
Monday, March 31, 2008

ENGROSSED
Senate Bill No. 1922

ENGROSSED SENATE BILL NO. 1922 - By: LASTER of the Senate and SULLIVAN of the House.

An Act relating to civil procedure; amending 12 O.S. 2001, Section 3234, which relates to production of documents; limiting number of certain requests; establishing procedures for additional requests; and providing an effective date.

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

1 SECTION 1. AMENDATORY 12 O.S. 2001, Section 3234, is amended to read as
2 follows:
3 Section 3234. A. SCOPE. Any party may serve on any other party a request:
4 1. To produce and permit the party making the request, or someone acting on his
5 behalf, to inspect and copy any designated documents including, but not limited to,
6 writings, drawings, graphs, charts, photographs, motion picture films, phonograph
7 records, tape and video recordings, records and other data compilations from which
8 information can be obtained, translated, if necessary, by the respondent through
9 detection devices into reasonably usable form, or to inspect and copy, test or sample any
10 tangible things which constitute or contain matters within the scope of subsection B of

1 Section 3226 of this title and which are in the possession, custody or control of the party
2 upon whom the request is served; or

3 2. To permit entry upon designated land or other property in the possession or
4 control of the party upon whom the request is served for the purpose of inspection and
5 measuring, surveying, photographing, testing or sampling the property or any designated
6 object or operation thereon, within the scope of subsection B of Section 3226 of this title.

7 B. PROCEDURE. The request to produce or permit inspection or copying may,
8 without leave of court, be served upon the plaintiff after commencement of the action and
9 upon any other party with the summons and petition or after service of the summons and
10 petition upon that party. The number of requests to produce or permit inspection or
11 copying shall not exceed thirty in number. The request shall set forth and describe with
12 reasonable particularity the items to be inspected either by individual item or by
13 category. The request shall specify a reasonable time, place and manner of making the
14 inspection and performing the related acts. If counsel for a party believes that more than
15 thirty requests to produce or permit inspection or copying are necessary, he or she shall
16 consult with opposing counsel promptly and attempt to reach a written stipulation as to
17 a reasonable number of additional requests. Counsel are expected to comply with this
18 requirement in good faith. In the event a written stipulation cannot be agreed upon, the
19 party seeking to submit such additional requests for production or inspection shall file a
20 motion with the court (1) showing that counsel have conferred in good faith but sincere
21 attempts to resolve the issue have been unavailing, (2) showing reasons establishing

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 good cause for their use, and (3) setting forth the proposed additional requests for
2 production or inspection.

3 The party, upon whom the request is served, shall serve a written response within
4 thirty (30) days after the service of the request, except that a defendant may serve a
5 response within forty-five (45) days after service of the summons and petition upon that
6 defendant. The court may allow a shorter or longer time. The response shall state, with
7 respect to each item or category, that inspection and related activities shall be permitted
8 as requested, unless the request is objected to, in which event the reasons for objection
9 shall be stated. If objection is made to part of an item or category, the part shall be
10 specified. The party submitting the request may move for an order under subsection A of
11 Section 3237 of this title with respect to any objection to or other failure to respond to the
12 request or any part thereof, or any failure to permit inspection as requested.

13 A party who produces documents for inspection shall produce them as they are kept
14 in the usual course of business or shall organize and label them to correspond with the
15 categories in the request.

16 C. PERSONS NOT PARTIES. A person not a party to the action may be compelled
17 to produce documents and things or to submit to an inspection as provided in Section
18 2004.1 of this title.

19 SECTION 2. This act shall become effective November 1, 2008.

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
21 dated 03-27-08 - DO PASS.