

3 Senate Bill No. 1922

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

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

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

11 SECTION 1. AMENDATORY 12 O.S. 2001, Section 3234, is  
12 amended to read as follows:

13 Section 3234. A. SCOPE. Any party may serve on any other  
14 party a request:

15 1. To produce and permit the party making the request, or  
16 someone acting on his behalf, to inspect and copy any designated  
17 documents including, but not limited to, writings, drawings, graphs,  
18 charts, photographs, motion picture films, phonograph records, tape  
19 and video recordings, records and other data compilations from which  
20 information can be obtained, translated, if necessary, by the  
21 respondent through detection devices into reasonably usable form, or  
22 to inspect and copy, test or sample any tangible things which  
23 constitute or contain matters within the scope of subsection B of  
24 Section 3226 of this title and which are in the possession, custody  
25 or control of the party upon whom the request is served; or

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

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

1 inspection shall file a motion with the court (1) showing that  
2 counsel have conferred in good faith but sincere attempts to resolve  
3 the issue have been unavailing, (2) showing reasons establishing  
4 good cause for their use, and (3) setting forth the proposed  
5 additional requests for production or inspection.

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

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-19-08 - DO  
6 PASS, As Coauthored.