

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1922

By: Laster

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5
6 AS INTRODUCED

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

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

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

15 Section 3234. A. SCOPE. Any party may serve on any other
16 party a request:

17 1. To produce and permit the party making the request, or
18 someone acting on his behalf, to inspect and copy any designated
19 documents including, but not limited to, writings, drawings, graphs,
20 charts, photographs, motion picture films, phonograph records, tape
21 and video recordings, records and other data compilations from which
22 information can be obtained, translated, if necessary, by the
23 respondent through detection devices into reasonably usable form, or
24 to inspect and copy, test or sample any tangible things which

1 constitute or contain matters within the scope of subsection B of
2 Section 3226 of this title and which are in the possession, custody
3 or control of the party upon whom the request is served; or

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

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

1 In the event a written stipulation cannot be agreed upon, the party
2 seeking to submit such additional requests for production or
3 inspection shall file a motion with the court (1) showing that
4 counsel have conferred in good faith but sincere attempts to resolve
5 the issue have been unavailing, (2) showing reasons establishing
6 good cause for their use, and (3) setting forth the proposed
7 additional requests for production or inspection.

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

22 A party who produces documents for inspection shall produce them
23 as they are kept in the usual course of business or shall organize
24 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.

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