

CONFERENCE COMMITTEE REPORT SUMMARY

Measure HB1570

Principal Authors: Representative Echols
Senator Holt

General Subject Matter: Civil Procedure

General Description of **Major Differences** between the current report and the version last seen and voted on in the House and the sections in which such differences are located:

√ Changes from engrossed House measure which were made in the Senate and contained in conference committee report/substitute (applies *only* to House measures):

Section 3: Modifies the scope and limits of discovery and allows the court to limit the frequency or extent of discovery if a request is outside the scope of any party's claim or defense. Discoverable information must be relevant to any party's claim or defense, reasonably calculated to lead to the discovery of admissible evidence and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

Modifies the sequence and timing of discovery by allowing the parties to stipulate methods of discovery.

Section 4: Clarifies the scope of items, particularly item stored in electronic format, for production and authorizes a responding party to make copies of discoverable items instead in lieu of inspection.

Section 5: Allows parties to use existing procedures to motion the court for an order compelling discovery when a responding party fails to produce requested documents.

√ Changes made in conference:

Section 1: Deletes requirement that there be a finding of gross negligence in order to be awarded damages in a childhood sexual abuse lawsuit. Deletes requirement that the court award court cost and attorney fees to the prevailing party in most civil cases.

Date Prepared: May 22, 2017
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