

BILL SUMMARY
1st Session of the 56th Legislature

Bill No.:	HB 1570
Version:	CCRB
Request Number:	8063
Author:	Rep. Echols
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Impact:	\$0

Research Analysis

The conference committee substitute for HB1570 removes the requirement that there be a finding of gross negligence in order to be awarded damages in a childhood sexual abuse lawsuit. The measure also removes the requirement that the court award court cost and attorney fees to the prevailing party in most civil cases.

HB1570 also makes numerous changes to the Oklahoma Discovery Code by:

- modifying the scope and limits of discovery;
- allowing the court to limit the frequency or extent of discovery if a request is outside the scope of any party's claim or defense;
- modifying the sequence and timing of discovery by allowing the parties to stipulate methods of discovery;
- clarifying the scope of items, particularly item stored in electronic format, for production and authorizing a responding party to provide copies of discoverable items in lieu of inspection; and
- allowing parties to use existing procedures to motion the court for an order compelling discovery when a responding party fails to produce requested documents.

The revised scope and limits for discovery requires the proposed discovery to 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 when 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.

Lastly, the measure gives an officer, director or managing agent of a corporation or a government official who has been served with a notice of a deposition or subpoena the ability to submit an affidavit stating the individual has no knowledge regarding the matter at issue and to identify a person within the corporation or government who does have knowledge of the subject matter.

Prepared By: Quyen Do

Fiscal Analysis

The CCR B has no fiscal impact on the state.

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Other Considerations

The report strikes language regarding the awarding of court costs to the prevailing party.

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