

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2943

By: Tedford

AS INTRODUCED

An Act relating to the Oklahoma Discovery Code; amending 12 O.S. 2021, Section 3226.1, which relates to abusive discovery; authorizing protective orders when parties seek deposition of high-ranking officers of a government entity or other public or private organizations; requiring party seeking protective order to meet certain burden; requiring court to issue protective order if burden is met; providing exception if party seeking deposition meets certain burden; permitting court to limit deposition if certain burden is not completely met; authorizing court to vacate or modify certain protective orders under certain circumstances; updating outline; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 3226.1, is amended to read as follows:

Section 3226.1. A. ABUSIVE DISCOVERY. In addition to the protective orders that a court may issue pursuant to paragraph 1 of subsection C of Section 3226 of Title 12 of the Oklahoma Statutes, a protective order may be issued by the court authorizing or denying discovery in the court in which the action is pending. A protective order may also be authorized on matters relating to a deposition.

1 The order may be issued upon a motion by a party or the person from  
2 whom discovery is sought. The motion shall be accompanied by a  
3 certification that the movant has in good faith conferred or  
4 attempted to confer, either in person or by telephone, with other  
5 affected parties in an effort to resolve the dispute without court  
6 action. Upon receipt by the court of the motion and certification,  
7 the court may enter the protective order authorizing or denying the  
8 discovery upon a finding that justice requires a party or person be  
9 protected from annoyance, harassment, embarrassment, oppression or  
10 undue delay, burden, or expense.

11 B. DEPOSITION OF HIGH-RANKING OFFICER.

12 1. Good cause for a protective order exists under subsection A  
13 of this section to prevent the deposition of a high-ranking officer  
14 of a government entity or other public or private organization if  
15 the party seeking the protective order demonstrates that the person  
16 sought to be deposed:

17 a. is a current or former high-ranking officer of a  
18 government entity or other public or private  
19 organization that is large and complex,

20 b. has unique and extensive scheduling demands or  
21 responsibilities, and

22 c. lacks unique personal knowledge of the issues being  
23 litigated.  
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1     The party seeking the protective order shall file a motion,  
2     accompanied by an affidavit or declaration of the officer,  
3     establishing these requirements.

4     2. If the party seeking the protective order meets this burden,  
5     this court shall issue an order preventing the deposition unless the  
6     party seeking the deposition demonstrates that:

- 7             a. it has exhausted other reasonable means of discovery,  
8             b. such discovery is inadequate, and  
9             c. the officer has unique personal knowledge of  
10            discoverable information.

11     3. To the extent that the party seeking a protective order  
12     demonstrates that an officer lacks unique personal knowledge of  
13     some, but fewer than all, matters relevant to the subject matter  
14     involved in the pending action, the court may limit the scope of the  
15     deposition accordingly. The court may vacate or modify the order  
16     if, after additional discovery, the party seeking the deposition can  
17     meet the burden provided in paragraph 2 of this subsection.

18     C. 1. AWARD OF EXPENSES OF MOTION. If the motion is granted,  
19     the court may, after opportunity for hearing, require the party or  
20     person whose conduct necessitated the motion or the party or  
21     attorney advising such conduct or both of them to pay to the moving  
22     party the reasonable expenses incurred in obtaining the order,  
23     including attorney fees, unless the court finds that the opposition  
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1 to the motion was substantially justified or that other  
2 circumstances make an award of expenses unjust.

3 2. If the motion is denied, the court may, after opportunity  
4 for hearing, require the moving party or the attorney advising the  
5 motion or both of them to pay to the party or deponent who opposed  
6 the motion the reasonable expenses incurred in opposing the motion,  
7 including attorney fees, unless the court finds that the making of  
8 the motion was substantially justified or that other circumstances  
9 make an award of expenses unjust.

10 3. If the motion is granted in part and denied in part, the  
11 court may apportion the reasonable expenses incurred in relation to  
12 the motion among the parties and persons in a just manner.

13 SECTION 2. This act shall become effective November 1, 2026.

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