

D R A F T

FOR DISCUSSION ONLY

**INTERSTATE DEPOSITIONS AND
DISCOVERY OF DOCUMENTS ACT**

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

For Drafting Committee Meeting, March 17-19, 2006

Without Prefatory Note and Comments

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By

NATIONAL CONFERENCE OF COMMISSIONERS
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1 **INTERSTATE DEPOSITIONS AND DISCOVERY OF DOCUMENTS ACT**

2
3 **Alternative A**

4 **[SECTION 1.** Whenever any subpoena [or subpoena duces tecum] is issued from any
5 court of record in any foreign jurisdiction, commanding the person [or entity] to whom it is
6 directed to attend and give testimony at a deposition, or to produce and permit inspection and
7 copying of designated books, documents or tangible things in the possession, custody or control
8 of that person [or entity], or to permit inspection of premises, at a time and place therein
9 specified, and that person [or entity] is a resident or is located within this state, upon presentment
10 of such subpoena [and notice of deposition with proof of service] the clerk of the court, in the
11 county or district in which that person [or entity] to whom the subpoena is directed resides or is
12 located [or: where discovery is to be conducted], shall forthwith issue a subpoena directed to that
13 person [or entity] with identical terms.

14 **SECTION 2.** Service of this subpoena [and notice of deposition with proof of
15 service][on the person or entity] shall be made in accordance with the laws of this state.

16 **SECTION 3.** Motions to enforce, quash, or modify this subpoena, and motions directed
17 to issues regarding service of this subpoena, shall be presented in the court in the county or
18 district in which the person [or entity] to whom the subpoena is directed resides or is located [or:
19 where discovery is to be conducted], and shall be made in accordance with the laws of this state.

20 **SECTION 4.** The [time, place, and manner of the] deposition shall be taken [or
21 production or inspection made] in accordance with the laws of this state.

22 **SECTION 5.** Motions made during the taking of the deposition, and motions regarding

1 the production of books, documents or tangible things, or the inspection of premises, shall be
2 presented in the court in the county or district in which the person [or entity] to whom the
3 subpoena is directed resides or is located, and shall be made in accordance with the laws of this
4 state.]

5 **Alternative B**

6 **[SECTION 1.** Whenever any subpoena [or subpoena duces tecum] is issued from any
7 court of record in any foreign jurisdiction, commanding the person [or entity] to whom it is
8 directed to attend and give testimony at a deposition, or to produce and permit inspection and
9 copying of designated books, documents or tangible things in the possession, custody or control
10 of that person [or entity], or to permit inspection of premises, at a time and place therein
11 specified, and that person [or entity] is a resident or is located within this state, such subpoena
12 shall be enforceable in this state.

13 **SECTION 2.** The lawyer or party seeking enforcement of a foreign subpoena in this
14 state shall present to the clerk of the court, in the county or district in which that person [or
15 entity] to whom the subpoena is directed resides or is located [or: where discovery is to be
16 conducted], the foreign subpoena [and notice of deposition with proof of service].

17 **SECTION 3.** The clerk of the court, upon receipt of the foreign subpoena [and notice of
18 deposition with proof of service], shall forthwith issue a subpoena directed to that person [or
19 entity] with identical terms.

20 **SECTION 4.** Service of this subpoena [and notice of deposition with proof of service]
21 on the person [or entity] shall be made in accordance with the laws of this state.

22 **SECTION 5.** The [time, place, and manner of the] deposition shall be taken [or

1 production or inspection made] in accordance with the laws of this state.

2 **SECTION 6.** The person [or entity] that has been served with a subpoena [and notice of
3 deposition with proof of service] under this act, and any party to the litigation, shall have the
4 same rights as if the litigation were pending in this state.

5 **SECTION 7.** Motions to enforce, quash, or modify this subpoena, and motions directed
6 to issues regarding service of this subpoena, shall be presented in the court in the county or
7 district in which the person [or entity] to whom the subpoena is directed resides or is located [or:
8 where discovery is to be conducted], and shall be made in accordance with the laws of this state.

9 **SECTION 8.** Motions made during the taking of the deposition, and motions regarding
10 the production of books, documents or tangible things, or the inspection of premises, shall be
11 presented in the court in the county or district in which the person [or entity] to whom the
12 subpoena is directed resides or is located, and shall be made in accordance with the laws of this
13 state.]