

FOR APPROVAL

**UNIFORM INTERSTATE DEPOSITIONS AND  
DISCOVERY ACT**

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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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MEETING IN ITS ONE-HUNDRED-AND-FIFTEENTH YEAR  
PASADENA, CALIFORNIA  
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**UNIFORM INTERSTATE DEPOSITIONS AND  
DISCOVERY ACT**

## UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

**SECTION 1. SHORT TITLE.** This [act] may be cited as the Uniform Interstate Depositions and Discovery Act.

**SECTION 2. DEFINITIONS.** In this [act]:

(1) “Foreign jurisdiction” means a state other than this state.

(2) “Foreign subpoena” means a subpoena issued under authority of a court of record of a foreign jurisdiction.

(3) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

(4) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, [federally recognized Indian tribes], or any territory or insular possession subject to the jurisdiction of the United States.

(5) “Subpoena” means a document, however denominated, issued under authority of a court of record requiring a person to:

(A) attend and give testimony at a deposition;

(B) produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or

(C) permit inspection of premises under the control of the person.

**SECTION 3. ISSUANCE OF SUBPOENA.**

(a) A party may submit a foreign subpoena to a clerk of court in the [county, district, circuit, or parish] in which discovery is sought to be conducted in this state. The request for and issuance of a subpoena in this state under this act shall not constitute making an appearance in the courts of this state.

(b) When a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with local procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed. The subpoena must incorporate the terms used in the foreign subpoena and contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

**SECTION 4. SERVICE OF SUBPOENA.** A subpoena issued by a clerk of court under Section 3 shall be served in compliance with [cite applicable rules or statutes of this state for service of subpoena].

**SECTION 5. DEPOSITION, PRODUCTION, AND INSPECTION.** When a subpoena issued under Section 3 commands a person to attend and give testimony at a deposition, produce designated books, documents, records, electronically stored information, or tangible things, or permit inspection of premises, the time and place and the manner of the taking of the deposition, the production, or the inspection must comply with [cite applicable rules or statutes of this state].

**SECTION 6. APPLICATION TO COURT.** An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under

Section 3 must comply with the applicable rules or statutes of this state and be submitted to the court in the [county, district, circuit, or parish] in which discovery is to be conducted.

**SECTION 7. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**SECTION 8. APPLICATIONS TO PENDING ACTIONS.** This [act] applies to requests for discovery in cases pending on the effective date of this [act].

**SECTION 9. EFFECTIVE DATE.** This [act] takes effect \_\_\_\_.