

Senate Bill 431

By: Senators Tillery of the 19th, Ginn of the 47th, Hufstetler of the 52nd, Burns of the 23rd, Anderson of the 24th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated,
2 relating to depositions and discovery under the Civil Practice Act, so as to remove certain
3 factors from consideration in discovery determinations; to repeal Code Section 9-11-26.1,
4 relating to depositions from officers and protective orders; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
9 depositions and discovery under the Civil Practice Act, is amended in Code Section 9-11-26,
10 relating to general provisions governing discovery, by revising subsection (c) as follows:

11 "(c) **Protective orders.** Upon motion by a party or by the person from whom discovery
12 is sought and for good cause shown, ~~including, but not limited to, the factors provided in~~
13 ~~Code Section 9-11-26.1 for the deposition of a high-ranking officer,~~ the court in which the
14 action is pending or, alternatively, on matters relating to a deposition, the court in the
15 county where the deposition is to be taken may make any order which justice requires to

16 protect a party or person from annoyance, embarrassment, oppression, or undue burden or
17 expense, including one or more of the following:

18 (1) That the discovery not be had;

19 (2) That the discovery may be had only on specified terms and conditions, including a
20 designation of the time or place;

21 (3) That the discovery may be had only by a method of discovery other than that selected
22 by the party seeking discovery;

23 (4) That certain matters not be inquired into or that the scope of the discovery be limited
24 to certain matters;

25 (5) That discovery be conducted with no one present except persons designated by the
26 court;

27 (6) That a deposition, after being sealed, be opened only by order of the court;

28 (7) That a trade secret or other confidential research, development, or commercial
29 information not be disclosed or be disclosed only in a designated way; or

30 (8) That the parties simultaneously file specified documents or information enclosed in
31 sealed envelopes to be opened as directed by the court.

32 If the motion for a protective order is denied in whole or in part, the court may, on such
33 terms and conditions as are just, order that any party or person provide or permit discovery.

34 Paragraph (4) of subsection (a) of Code Section 9-11-37 applies to the award of expenses
35 incurred in relation to the motion."

36 **SECTION 2.**

37 Said article is further amended by repealing Code Section 9-11-26.1, relating to deposition
38 from officers and protective orders, in its entirety.

39 **SECTION 3.**

40 All laws and parts of laws in conflict with this Act are repealed.