

# AN ACT

To enact new section 2319.09 and to repeal section 2319.09 of the Revised Code to enact the Uniform Interstate Depositions and Discovery Act.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That new section 2319.09 of the Revised Code be enacted to read as follows:

Sec. 2319.09. (A) This section may be cited as the "Uniform Interstate Depositions and Discovery Act."

(B) As used in this section:

(1) "Foreign jurisdiction" means a state other than Ohio.

(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, a federally recognized Indian tribe, 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 do any of the following:

(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;

(c) Permit inspection of premises under the control of the person.

(C)(1) To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under this section does not constitute an appearance in the courts of this state.

(2) When a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

(3) A subpoena issued under division (C)(2) of this section shall do both of the following:

(a) Incorporate the terms used in the foreign subpoena;

(b) 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.

(D) A subpoena issued by a clerk of court under division (C) of this section shall be served in compliance with any rule of court or statute relating to the service of a subpoena issued in this state.

(E) The Ohio Rules of Civil Procedure and any statutes relating to service of subpoenas and compliance with subpoenas to attend and give testimony, produce designated books, documents, records, electronically stored information, or other tangible things, or to allow inspection of premises shall apply to subpoenas issued under division (C) of this section.

(F) An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under division (C) of this section shall comply with the Ohio Rules of Civil Procedure and be submitted to the court in the county in which discovery is to be conducted.

(G) In applying and construing this section, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact a substantially similar statute or rule.

(H) This section applies to requests for discovery in cases pending on the effective date of this act.

SECTION 2. That section 2319.09 of the Revised Code is hereby repealed.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

S. B. No. 171

131st G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_