

**CHAPTER 114****(SB 174)**

AN ACT relating to the Uniform Interstate Deposition and Discovery Act.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 421 IS CREATED TO READ AS FOLLOWS:

- (1) *This section may be cited as the Uniform Interstate Depositions and Discovery Act.*
- (2) *As used in this section:*
  - (a) *"Foreign jurisdiction" means a state other than this state;*
  - (b) *"Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction;*
  - (c) *"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;*
  - (d) *"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; and*
  - (e) *"Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:*
    1. *Attend and give testimony at a deposition;*
    2. *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*
    3. *Permit inspection of premises under the control of the person.*
- (3)
  - (a) *To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to the clerk of the Circuit Court of 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.*
  - (b) *When a party submits a foreign subpoena to a clerk of the Circuit 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.*
  - (c) *A subpoena under paragraph (b) shall:*
    1. *Incorporate the terms used in the foreign subpoena; and*
    2. *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.*
- (4) *A subpoena issued by a clerk of the Circuit Court under subsection (3) 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.*
- (5) *Rules of court and any provision of the Kentucky Revised Statutes applicable to compliance with subpoenas to attend and give testimony, produce designated books, documents, records, electronically stored information, or tangible things, or permit inspection of premises shall apply to subpoenas issued under subsection (3) of this section.*
- (6) *An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of the Circuit Court under subsection (3) of this section shall comply with the rules of court of this state and statutes of this state and be submitted to the Circuit Court in the county in which discovery is to be conducted.*

- (7) *In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*
- (8) *This section applies to requests for discovery in cases pending on the effective date of the this Act.*

**Signed by Governor April 14, 2008.**