HOUSE BILL 887

Introduced by Whalen, et al.

2/15	Introduced
2/15	Referred to Judiciary
2/16	First Reading
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2/22	Hearing
2/23	Committee ReportBill Passed as Amended
2/26	2nd Reading Passed
2/27	3rd Reading Passed
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	Transmitted to Senate
2/27	Transmitted to Senate Referred to Judiciary
2/27 3/04	
3/04	Referred to Judiciary First Reading
	Referred to Judiciary
3/04 3/27	Referred to Judiciary First Reading Hearing
3/04 3/27 4/01	Referred to Judiciary First Reading Hearing Tabled in Committee Taken from Table
3/04 3/27 4/01 4/03	Referred to Judiciary First Reading Hearing Tabled in Committee Taken from Table Committee ReportBill Concurred
3/04 3/27 4/01 4/03 4/04	Referred to Judiciary First Reading Hearing Tabled in Committee Taken from Table

1		House BILL NO.	887
2	INTRODUCED BY	Whalen look	_

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A BILL FOR AN ACT ENTITLED: "AN ACT SETTING LIMITS ON DISCOVERY IN CIVIL ACTIONS; ALLOWING EXCEPTIONS; AND ALLOWING THE COURT TO ORDER THE PARTY SEEKING DISCOVERY TO PAY THE COSTS AND ATTORNEY FEES INCURRED BY THE PARTY AGAINST WHICH DISCOVERY IS SOUGHT."

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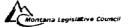
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- BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
- NEW SECTION. Section 1. Discovery limits -- exceptions
 -- costs. (1) Unless a party shows and a court finds that
 good cause exists for exceeding the following limits, a
 party may not obtain discovery through:
- (a) a deposition that will last more than 4 hours or take place on more than 1 day;
- 17 (b) a set of written interrogatories containing more
 18 than 50 interrogatories; or
 - (c) requests for production in excess of 25 requests.
 - (2) The court shall make specific findings with respect to Rule 26(b)(1)(i), (b)(1)(ii), and (b)(1)(iii), Montana Rules of Civil Procedure, and issue an order granting discovery in excess of the limits contained in subsection (1) and specifically stating the extent to which exceptions are allowed. If an interrogatory in a set of interrogatories



is divided into subdivisions or subparts, each subdivision or subpart must be counted as an interrogatory.

3 (3) If an exception is allowed under subsection (1),
4 the court shall either order the party granted the exception
5 to pay the reasonable costs and attorney fees that the party
6 against which discovery is sought incurs in complying with
7 the discovery or make specific findings as to why costs and
8 attorney fees are denied.

-End-

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HB 887

APPROVED BY COMMITTEE ON JUDICIARY

1	HOUSE BILL NO. 887
2	INTRODUCED BY WHALEN, TOOLE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT SETTING LIMITS ON
5	DISCOVERY IN CIVIL ACTIONS; ALLOWING EXCEPTIONS; AND
6	ALLOWING THE COURT TO ORDER THE PARTY SEEKING DISCOVERY TO
7	PAY THE COSTS AND ATTORNEY FEES INCURRED BY THE PARTY
8	AGAINST WHICH DISCOVERY IS SOUGHT."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	NEW SECTION. Section 1. Discovery limits exceptions
12	costs. (1) Unless a party shows and a court finds that
13	good cause exists for exceeding the following limits, a
14	party may not obtain discovery through:
15	(a) a deposition that will last more than 4 $\underline{8}$ hours or
16	take place on more than 1 day;
17	(b) a set of written interrogatories containing more
18	than 50 interrogatories; or
19	(c) requests for production in excess of 25 requests.
20	(2) The court shall make specific findings with respect
21	to Rule $26(b)(1)(i)$, $(b)(1)(ii)$, and $(b)(1)(iii)$, Montana
22	Rules of Civil Procedure, and issue an order granting
23	discovery in excess of the limits contained in subsection
24	(1) and specifically stating the extent to which exceptions

are allowed. If an interrogatory in a set of interrogatories

- 1 is divided into subdivisions or subparts, each subdivision 2 or subpart must be counted as an interrogatory.
- 3 (3) If an exception is allowed under subsection (1), the court shall either order the party granted the exception 5 to pay the reasonable costs and attorney fees that the party 6 against which discovery is sought incurs in complying with**7** the discovery or make specific findings as to why costs and 8 attorney fees are denied.

-End-

HB 0887/02

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2	INTRODUCED BY WHALEN, TOOLE
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6	ALLOWING THE COURT TO ORDER THE PARTY SEEKING DISCOVERY TO
7	PAY THE COSTS AND ATTORNEY FEES INCURRED BY THE PARTY
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(3) If an exception is allowed under subsection (1),
the court shall either order the party granted the exception
to pay the reasonable costs and attorney fees that the party
against which discovery is sought incurs in complying with
the discovery or make specific findings as to why costs and
attorney fees are denied.

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-End-