

HOUSE BILL 887

Introduced by Whalen, et al.

2/15	Introduced
2/15	Referred to Judiciary
2/16	First Reading
2/22	Hearing
2/23	Committee Report--Bill Passed as Amended
2/26	2nd Reading Passed
2/27	3rd Reading Passed
	Transmitted to Senate
2/27	Referred to Judiciary
3/04	First Reading
3/27	Hearing
4/01	Tabled in Committee
4/03	Taken from Table
4/04	Committee Report--Bill Concurred
4/05	2nd Reading Concur Motion Failed
4/05	2nd Reading Indefinitely Postponed

1 HOUSE BILL NO. 887
 2 INTRODUCED BY Whalen

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 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
 25 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),
 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-



APPROVED BY COMMITTEE
ON JUDICIARY

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