HOUSE BILL 620

Introduced by Whlen

- 2/13 Introduced 2/13 First Reading 2/13 Referred to Judiciary 2/17 Hearing 2/18 Tabled in Committee

LC 1221/01

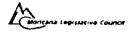
House BILL NO. 620 INTRODUCED BY Whaten 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT SETTING LIMITS ON 4 DISCOVERY IN CIVIL ACTIONS; ALLOWING EXCEPTIONS; AND 5 ALLOWING THE COURT TO ORDER THE PARTY SEEKING DISCOVERY TO 6 7 PAY THE COSTS AND ATTORNEY FEES INCURRED BY THE PARTY FROM 8 WHOM DISCOVERY IS SOUGHT." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: NEW SECTION. Section 1. Discovery limits -- exceptions 11 -- costs. (1) Unless a party shows and a court finds that 12 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 8 hours or 16 take place on more than 1 day;

17 (b) a set of written interrogatories containing more18 than 50 interrogatories; or

19 (c) requests for production in excess of 25 requests.

(2) A court allowing discovery in excess of the limits
contained in subsection (1) shall make specific findings
with respect to Rule 26(b)(1)(i) through (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

3 or subpart must be counted as a separate interrogatory.

4 (3) If an exception is allowed under subsection (1),5 the court shall:

6 (a) order the party that was granted the exception to 7 pay the reasonable costs and attorney fees incurred by the 8 party from whom discovery is sought when complying with the 9 discovery; or

10 (b) make specific findings why costs and attorney fees
11 are denied.

-End-

