

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

1 House BILL NO. 620
2 INTRODUCED BY Whalen
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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 FROM
8 WHOM DISCOVERY IS SOUGHT."

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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 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) A court allowing discovery in excess of the limits
21 contained in subsection (1) shall make specific findings
22 with respect to Rule 26(b)(1)(i) through (1)(iii), Montana
23 Rules of Civil Procedure, and issue an order granting
24 discovery in excess of the limits contained in subsection
25 (1) and specifically stating the extent to which exceptions

1 are allowed. If an interrogatory in a set of interrogatories
2 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-

