

By: Senator(s) Hopson

To: Judiciary, Division A

SENATE BILL NO. 2264

1 AN ACT TO CREATE THE UNIFORM DEPOSITIONS AND DISCOVERY ACT;  
2 TO ENACT DEFINITIONS; TO PROVIDE FOR INTERSTATE ISSUANCE OF  
3 SUBPOENAE; TO PROVIDE FOR SERVICE OF SUBPOENAE; TO PROVIDE FOR  
4 APPLICATION OF THE RULES OF CIVIL PROCEDURE TO SUBPOENAE ISSUED  
5 UNDER THE ACT; TO PROVIDE FOR APPLICATION TO ENFORCE, QUASH OR  
6 MODIFY; TO PROVIDE FOR EFFECTIVENESS IN PENDING PROCEEDINGS; AND  
7 FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1. Short title.** This act may be cited as the  
10 Uniform Interstate Depositions and Discovery Act.

11 **SECTION 2. Definitions.** In this act:

12 (1) "Foreign jurisdiction" means a state other than  
13 this state.

14 (2) "Foreign subpoena" means a subpoena issued under  
15 authority of a court of record of a foreign jurisdiction.

16 (3) "Person" means an individual, corporation, business  
17 trust, estate, trust, partnership, limited liability company,  
18 association, joint venture, public corporation, government, or  
19 governmental subdivision, agency or instrumentality, or any other  
20 legal or commercial entity.

21 (4) "State" means a state of the United States, the  
22 District of Columbia, Puerto Rico, the United States Virgin  
23 Islands, a federally recognized Indian tribe, or any territory or  
24 insular possession subject to the jurisdiction of the United  
25 States.

26 (5) "Subpoena" means a document, however denominated,  
27 issued under authority of a court of record requiring a person to:

28 (A) Attend and give testimony at a deposition;



29 (B) Produce and permit inspection and copying of  
30 designated books, documents, records, electronically stored  
31 information, or tangible things in the possession, custody, or  
32 control of the person; or

33 (C) Permit inspection of premises under the  
34 control of the person.

35 **SECTION 3. Issuance of subpoena.** (a) To request issuance  
36 of a subpoena under this section, a party must submit a foreign  
37 subpoena to a clerk of court in the county in which discovery is  
38 sought to be conducted in this state. A request for the issuance  
39 of a subpoena under this act does not constitute an appearance in  
40 the courts of this state.

41 (b) When a party submits a foreign subpoena to a clerk of  
42 court in this state, the clerk, in accordance with that court's  
43 procedure, shall promptly issue a subpoena for service upon the  
44 person to which the foreign subpoena is directed.

45 (c) A subpoena under subsection (b) must:

46 (A) Incorporate the terms used in the foreign subpoena;  
47 and

48 (B) Contain or be accompanied by the names, addresses,  
49 and telephone numbers of all counsel of record in the proceeding  
50 to which the subpoena relates and of any party not represented by  
51 counsel.

52 **SECTION 4. Service of subpoena.** A subpoena issued by a  
53 clerk of court under Section 3 must be served in compliance with  
54 Rule 45 of the Rules of Civil Procedure.

55 **SECTION 5. Deposition, production and inspection.** Rule 45  
56 of the Mississippi Rules of Civil Procedure and Rule 2.01 of the  
57 Uniform Rules of Circuit and County Court Practice apply to  
58 subpoenas issued under Section 3.

59 **SECTION 6. Application to court.** An application to the  
60 court for a protective order or to enforce, quash or modify a  
61 subpoena issued by a clerk of court under Section 3 must comply



62 with the rules or statutes of this state and be submitted to the  
63 court in the county in which discovery is to be conducted.

64 **SECTION 7. Uniformity of application and construction.** In  
65 applying and construing this uniform act, consideration must be  
66 given to the need to promote uniformity of the law with respect to  
67 its subject matter among states that enact it.

68 **SECTION 8. Application to pending actions.** This act applies  
69 to requests for discovery in cases pending on July 1, 2011.

70 **SECTION 9.** This act shall take effect and be in force from  
71 and after July 1, 2011.

