

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 171**

**Senator Seitz**

**Cosponsors: Senators Eklund, Thomas**

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**A BILL**

To enact new section 2319.09 and to repeal section 1  
2319.09 of the Revised Code to enact the Uniform 2  
Interstate Depositions and Discovery Act. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That new section 2319.09 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 2319.09.** (A) This section may be cited as the 6  
"Uniform Interstate Depositions and Discovery Act." 7

(B) As used in this section: 8

(1) "Foreign jurisdiction" means a state other than Ohio. 9

(2) "Foreign subpoena" means a subpoena issued under 10  
authority of a court of record of a foreign jurisdiction. 11

(3) "Person" means an individual, corporation, business 12  
trust, estate, trust, partnership, limited liability company, 13  
association, joint venture, public corporation, government, or 14  
governmental subdivision, agency, or instrumentality, or any 15  
other legal or commercial entity. 16

(4) "State" means a state of the United States, the 17

District of Columbia, Puerto Rico, the United States Virgin 18  
Islands, a federally recognized Indian tribe, or any territory 19  
or insular possession subject to the jurisdiction of the United 20  
States. 21

(5) "Subpoena" means a document, however denominated, 22  
issued under authority of a court of record requiring a person 23  
to do any of the following: 24

(a) Attend and give testimony at a deposition; 25

(b) Produce and permit inspection and copying of 26  
designated books, documents, records, electronically stored 27  
information, or tangible things in the possession, custody, or 28  
control of the person; 29

(c) Permit inspection of premises under the control of the 30  
person. 31

(C) (1) To request issuance of a subpoena under this 32  
section, a party shall submit a foreign subpoena to a clerk of 33  
court in the county in which discovery is sought to be conducted 34  
in this state. A request for the issuance of a subpoena under 35  
this section does not constitute an appearance in the courts of 36  
this state. 37

(2) When a party submits a foreign subpoena to a clerk of 38  
court in this state, the clerk, in accordance with that court's 39  
procedure, shall promptly issue a subpoena for service upon the 40  
person to which the foreign subpoena is directed. 41

(3) A subpoena issued under division (C) (2) of this 42  
section shall do both of the following: 43

(a) Incorporate the terms used in the foreign subpoena; 44

(b) Contain or be accompanied by the names, addresses, and 45

telephone numbers of all counsel of record in the proceeding to 46  
which the subpoena relates and of any party not represented by 47  
counsel. 48

(D) A subpoena issued by a clerk of court under division 49  
(C) of this section shall be served in compliance with any rule 50  
of court or statute relating to the service of a subpoena issued 51  
in this state. 52

(E) The Ohio Rules of Civil Procedure and any statutes 53  
relating to service of subpoenas and compliance with subpoenas 54  
to attend and give testimony, produce designated books, 55  
documents, records, electronically stored information, or other 56  
tangible things, or to allow inspection of premises shall apply 57  
to subpoenas issued under division (C) of this section. 58

(F) An application to the court for a protective order or 59  
to enforce, quash, or modify a subpoena issued by a clerk of 60  
court under division (C) of this section shall comply with the 61  
Ohio Rules of Civil Procedure and be submitted to the court in 62  
the county in which discovery is to be conducted. 63

(G) In applying and construing this section, consideration 64  
shall be given to the need to promote uniformity of the law with 65  
respect to its subject matter among states that enact a 66  
substantially similar statute or rule. 67

(H) This section applies to requests for discovery in 68  
cases pending on the effective date of this act. 69

**Section 2.** That section 2319.09 of the Revised Code is 70  
hereby repealed. 71