

SENATE BILL 103

D3

8lr0889

By: **Senator Frosh**

Introduced and read first time: January 16, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 5, 2008

CHAPTER _____

1 AN ACT concerning

2 **Maryland Uniform Interstate Depositions and Discovery Act**

3 FOR the purpose of enacting the Maryland Uniform Interstate Depositions and
4 Discovery Act; establishing procedures for requesting and issuing certain
5 subpoenas; providing for the service of certain subpoenas; establishing that
6 certain Maryland Rules apply to certain subpoenas; requiring that an
7 application for a protective order or to enforce, quash, or modify certain
8 subpoenas comply with certain rules and statutes and be filed in a certain court;
9 requiring certain consideration to be given in applying and construing this Act;
10 defining certain terms; repealing existing provisions of law relating to foreign
11 depositions; providing for the application of this Act; and generally relating to
12 interstate depositions and discovery.

13 BY repealing

14 Article – Courts and Judicial Proceedings

15 Section 9–401 through 9–403 and the subtitle “Subtitle 4. Foreign Depositions”

16 Annotated Code of Maryland

17 (2006 Replacement Volume and 2007 Supplement)

18 BY adding to

19 Article – Courts and Judicial Proceedings

20 Section 9–401 through 9–407 to be under the new subtitle “Subtitle 4.

21 Maryland Uniform Interstate Depositions and Discovery Act”

22 Annotated Code of Maryland

23 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 9–401 through 9–403 and the subtitle “Subtitle 4.
3 Foreign Depositions” of Article – Courts and Judicial Proceedings of the Annotated
4 Code of Maryland be repealed.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
6 read as follows:

7 **Article – Courts and Judicial Proceedings**

8 **SUBTITLE 4. MARYLAND UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY**
9 **ACT.**

10 **9–401.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) “FOREIGN JURISDICTION” MEANS A STATE OTHER THAN THIS
14 STATE.

15 (C) “FOREIGN SUBPOENA” MEANS A SUBPOENA ISSUED UNDER
16 AUTHORITY OF A COURT OF RECORD OF A FOREIGN JURISDICTION.

17 (D) “PERSON” MEANS AN INDIVIDUAL, CORPORATION, BUSINESS
18 TRUST, ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY,
19 ASSOCIATION, JOINT VENTURE, PUBLIC CORPORATION, GOVERNMENT,
20 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY, OR ANY OTHER
21 LEGAL OR COMMERCIAL ENTITY.

22 (E) “STATE” MEANS A STATE OF THE UNITED STATES, THE DISTRICT
23 OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY
24 TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE
25 UNITED STATES.

26 (F) “SUBPOENA” MEANS A DOCUMENT, HOWEVER DENOMINATED,
27 ISSUED UNDER AUTHORITY OF A COURT OF RECORD REQUIRING A PERSON TO:

28 (1) ATTEND AND GIVE TESTIMONY AT A DEPOSITION;

29 (2) 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

1 (3) **PERMIT INSPECTION OF PREMISES UNDER THE CONTROL OF**
2 **THE PERSON.**

3 **9-402.**

4 (A) (1) **TO REQUEST ISSUANCE OF A SUBPOENA UNDER THIS**
5 **SECTION, A PARTY SHALL SUBMIT A FOREIGN SUBPOENA TO A CLERK OF THE**
6 **CIRCUIT COURT FOR THE COUNTY IN WHICH DISCOVERY IS SOUGHT TO BE**
7 **CONDUCTED IN THIS STATE.**

8 (2) **A REQUEST FOR THE ISSUANCE OF A SUBPOENA UNDER THIS**
9 **SUBTITLE DOES NOT CONSTITUTE AN APPEARANCE IN THE COURTS OF THIS**
10 **STATE.**

11 (B) **WHEN A PARTY SUBMITS A FOREIGN SUBPOENA TO A CLERK OF**
12 **COURT IN THIS STATE, THE CLERK, IN ACCORDANCE WITH THAT COURT'S**
13 **PROCEDURE, SHALL PROMPTLY ISSUE A SUBPOENA FOR SERVICE UPON THE**
14 **PERSON TO WHICH THE FOREIGN SUBPOENA IS DIRECTED.**

15 (C) **A SUBPOENA UNDER SUBSECTION (B) OF THIS SECTION SHALL:**

16 (1) **INCORPORATE THE TERMS USED IN THE FOREIGN SUBPOENA;**
17 **AND**

18 (2) **CONTAIN OR BE ACCOMPANIED BY THE NAMES, ADDRESSES,**
19 **AND TELEPHONE NUMBERS OF ALL COUNSEL OF RECORD IN THE PROCEEDING**
20 **TO WHICH THE SUBPOENA RELATES AND OF ANY PARTY NOT REPRESENTED BY**
21 **COUNSEL.**

22 **9-403.**

23 **A SUBPOENA ISSUED BY A CLERK OF COURT UNDER § 9-402 OF THIS**
24 **SUBTITLE SHALL BE SERVED IN COMPLIANCE WITH MARYLAND RULE 2-510.**

25 **9-404.**

26 **TITLE 2, CHAPTER 400 OF THE MARYLAND RULES AND MARYLAND RULE**
27 **2-510 APPLY TO SUBPOENAS ISSUED UNDER § 9-402 OF THIS SUBTITLE.**

28 **9-405.**

29 **AN APPLICATION TO THE COURT FOR A PROTECTIVE ORDER OR TO**
30 **ENFORCE, QUASH, OR MODIFY A SUBPOENA ISSUED BY A CLERK OF COURT**
31 **UNDER § 9-402 OF THIS SUBTITLE SHALL COMPLY WITH THE RULES AND**

1 STATUTES OF THIS STATE AND BE SUBMITTED TO THE CIRCUIT COURT FOR THE
2 COUNTY IN WHICH DISCOVERY IS TO BE CONDUCTED.

3 **9-406.**

4 IN APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION
5 SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH
6 RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

7 **9-407.**

8 THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM INTERSTATE
9 DEPOSITIONS AND DISCOVERY ACT.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act applies to
11 requests for discovery in cases pending on the effective date of this Act.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.