

February 21, 2007

H 316. AMEND CIVIL PROCEDURE RULE 45. Filed 2/21/07. *TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE: (1) TO ESTABLISH A TIME LIMIT FOR SERVING UPON EACH PARTY TO AN ACTION A COPY OF A SUBPOENA TO APPEAR OR TO PRODUCE RECORDS AND (2) TO AUTHORIZE A PARTY TO AN ACTION TO OBJECT TO A SUBPOENA.*

Amends GS 1A-1, Rule 45, to require subpoenas to be served upon each party on the same day; does not apply to subpoenas for witness or production of documentary evidence in criminal cases. Also allows parties to serve written objections to the subpoena within 10 days after service or before the time specified for compliance if the time is less than 10 days. Effective for actions filed on or after October 1, 2007.

Intro. by Daughtry.

GS 1A

March 27, 2007

H 316. AMEND CIVIL PROCEDURE RULE 45. Filed 2/21/07. House committee substitute makes the following changes to 1st edition. Requires that other parties to an action be served with a copy of a subpoena directed to another party within three days after service on the party subject to the subpoena (was, on same day). Deletes provision allowing another party to object to a subpoena for the same reasons a person subject to a subpoena may object. Adds provision requiring the party serving the subpoena to provide all other parties copies or access to tangible things produced in compliance with the subpoena.

July 25, 2007

H 316. AMEND CIVIL PROCEDURE RULE 45. Filed 2/21/07. Senate committee substitute deletes all provisions of the 2nd edition and substitutes *AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO AN ACTION OF THE ISSUANCE OF A SUBPOENA AND THE RECEIPT OF MATERIAL PRODUCED IN COMPLIANCE WITH THE SUBPOENA, AND TO PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL.* Enacts new GS 1A-1, Rule 45(d1), requiring an attorney or party, within five business days after receiving material pursuant to a subpoena, to serve the other parties with a copy of the subpoena and notice of receipt of the material. Upon request, the attorney or party must give the other parties, at their own expense, an opportunity to copy and inspect the material. Effective for actions filed on or after October 1, 2007.

July 27, 2007

H 316. AMEND CIVIL PROCEDURE RULE 45. Filed 2/21/07. Senate committee substitute makes the following changes to the 3rd edition. Modifies proposed GS 1A-1, Rule 45(d1) to (1) delete the reference to the requirement that the attorney or party serve the other parties with a copy of the subpoena and (2) clarify the statutory language. Conforms the title.

September 4, 2007

SL 2007-514 (H 316). AMEND CIVIL PROCEDURE RULE 45. *AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO AN ACTION OF RECEIPT OF MATERIAL PRODUCED IN COMPLIANCE WITH A SUBPOENA, AND TO PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL.* Summarized in *Daily Bulletin* 2/21/07, 3/27/07, 7/25/07, and 7/27/07. Enacted August 30, 2007. Effective October 1, 2007.