

Insurance Association of Connecticut

Judiciary Committee

April 15th, 2013

HB 6693, An Act Concerning Cost Incurred By State Residents When Responding To Out-Of-State Discovery Requests

The Insurance Association of Connecticut, IAC, is opposed to HB 6693, An Act Concerning Costs Incurred By State Residents When Responding To Out-Of-State Discovery Requests.

HB 6693 seeks to unnecessarily alter fees structure associated with the discovery process in civil and probate actions. As drafted HH 6693 would require any party seeking an out-of-state discovery of a non-party Connecticut resident to reimburse such person all “reasonable costs” associated with such discovery request, which could be unlimited. What is a “reasonable cost” for a lay witness? The respondent would be able to set their own rate. Connecticut courts could get bogged down deciding what is “reasonable” for cases not in their jurisdiction. Connecticut and federal court rules already provide if a subpoena is oppressive, or the requested information is protected or confidential information.

Furthermore, HB 6693 may have some untended consequences. For example, a Connecticut resident is injured in an accident in another state by a resident of that state, and brings the action in that state. To prove their case the Connecticut resident needs documentation from their own treating physicians, who are all in Connecticut. Pursuant to the terms of HB 6693, the Connecticut resident would have to pay “reasonable costs, including attorneys’ fees,” to their own witnesses, at a price set by the witness, to pursue their claim. This could have a dramatic impact on the cost of litigation. It is also unclear what impact comity between states would have on such a proposal.

There is no need for HB 6693 and the IAC respectfully requests your rejection of HB 6693.

