



General Assembly

January Session, 2015

***Raised Bill No. 7034***

LCO No. 5445



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING COSTS INCURRED BY STATE RESIDENTS  
WHEN RESPONDING TO CERTAIN DISCOVERY REQUESTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 52-148e of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (c) (1) Any person to whom a subpoena [commanding] has been  
5 directed, which subpoena commands (A) the person's appearance at a  
6 deposition, and (B) the production, copying or inspection of books,  
7 papers, documents or tangible things [has been directed] may, within  
8 fifteen days after the service thereof or on or before the time specified  
9 in the subpoena for compliance if such time is less than fifteen days  
10 after service, serve upon the [issuing authority designated in] party  
11 who requested issuance of the subpoena written objection to  
12 [inspection or copying of any or all of the designated materials If  
13 objection is made, the party at whose request the subpoena was issued  
14 shall not be entitled to inspect and copy the disputed materials except  
15 pursuant to an order of the court in which the cause is pending]

16 appearing, producing, copying or permitting the inspection of such  
17 books, papers, documents or tangible things.

18 (2) If a nonparty witness objects on the ground that the subpoena  
19 will cause undue burden or expense to a person who is not a party to  
20 the civil action or probate proceeding, such written objection shall be  
21 accompanied by an affidavit of costs setting forth the estimated or  
22 actual costs of compliance with such subpoena, including, but not  
23 limited to, the nonparty witness's attorney's fees or the costs to such  
24 witness of electronic discovery. If a nonparty witness makes such  
25 written objection, the party who requested issuance of the subpoena  
26 (A) shall not be entitled to compel such witness's appearance or  
27 receive, copy or inspect the books, papers, documents or tangible  
28 things, or inspect any premises where such materials may be kept,  
29 except pursuant to an order of the court in which the civil action or  
30 probate proceeding is pending, and (B) may, upon notice to the  
31 objecting nonparty witness, file a motion with the court for an order to  
32 compel such witness's appearance and production, copying or  
33 inspection of such materials in accordance with the terms of such  
34 subpoena. When ruling on such motion to compel, the court shall  
35 make a finding as to whether the subpoena subjects the nonparty  
36 witness to undue burden or expense prior to entering any order to  
37 compel such nonparty witness's appearance and the production,  
38 copying or inspection of such materials. If the court finds that the  
39 subpoena issued to the nonparty witness subjects such witness to  
40 undue burden or expense, any order to compel such witness's  
41 appearance and production, copying or inspection of such materials  
42 shall protect the witness from undue burden or expense resulting from  
43 compliance with such subpoena and, except in the case of a subpoena  
44 commanding the production, copying or inspection of medical records,  
45 may include, but not be limited to, the reimbursement of such  
46 witness's reasonable costs of compliance, as set forth in the witness's  
47 affidavit of costs. The party who requested issuance of the subpoena  
48 may, if objection has been made, move upon notice to the deponent for

49 an order at any time before or during the taking of the deposition. The  
50 provisions of this subdivision shall not apply to a civil action filed  
51 under section 52-190a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	52-148e(c)

**Statement of Purpose:**

To allow state residents the opportunity to recover costs incurred when responding to discovery requests made in connection with court proceedings.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*