

**Proposed Substitute  
Bill No. 7034**

LCO No. 5992

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

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

1 Section 1. Subsection (f) 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2 repealed and the following is substituted in lieu thereof (*Effective*  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 (f) (1) Deposition of witnesses living in this state may be taken in  
5 like manner to be used as evidence in a civil action or probate  
6 proceeding pending in any court of the United States or of any other  
7 state of the United States or of any foreign country, on application to  
8 the court in which such civil action or probate proceeding is pending  
9 of any party to such civil action or probate proceeding. The Superior  
10 Court shall have jurisdiction to quash or modify, or to enforce  
11 compliance with, a subpoena issued for the taking of a deposition  
12 pursuant to this subsection.

13 (2) Any person to whom a subpoena has been directed, which  
14 subpoena commands (A) the person's appearance at a deposition, and  
15 (B) the production, copying or inspection of books, papers, documents  
16 or tangible things may, within fifteen days after the service thereof or  
17 on or before the time specified in the subpoena for compliance if such  
18 time is less than fifteen days after service, serve upon the party who

19 requested issuance of the subpoena written objection to appearing,  
20 producing, copying or permitting the inspection of such books, papers,  
21 documents or tangible things.

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

54 (4) The provisions of this subsection shall not apply to a civil action  
55 filed under section 52-190a.

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