

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS65165-LD-53 (3/8)

Short Title: Motions to Compel Depositions/Evidence. (Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANY MOTION TO COMPEL A SUBPOENAED PERSON'S
APPEARANCE AT A DEPOSITION OR THE PRODUCTION OF MATERIALS
TO BE FILED IN THE COUNTY IN WHICH THE ACTION IS PENDING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 45(c) reads as rewritten:

"(c) Protection of Persons Subject to Subpoena. –

...

(4) Order of court required to override objection. – If objection is made under subdivision (3) of this subsection, the party serving the subpoena shall not be entitled to compel the subpoenaed person's appearance at a deposition or to inspect and copy materials to which an objection has been made except pursuant to an order of the court. If objection is made, the party serving the subpoena may, upon notice to the subpoenaed person, move at any time for an order to compel the subpoenaed person's appearance at the deposition or the production of the materials designated in the subpoena. The motion shall be filed in the court in the county in which the ~~deposition or production of materials is to occur~~ action is pending.

...."

SECTION 2. This act becomes effective October 1, 2005, and applies to subpoenas issued on or after that date.