

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1920

 By: Jordan

7 AS INTRODUCED

8 An Act relating to civil procedure; amending 12 O.S.
9 2011, Section 3233, which relates to the Oklahoma
10 Discovery Code; requiring restatement of
 interrogatory when answering; and providing an
 effective date.

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 12 O.S. 2011, Section 3233, is
15 amended to read as follows:

16 Section 3233. A. AVAILABILITY; PROCEDURES FOR USE. Any party
17 may serve upon any other party written interrogatories to be
18 answered by the party served or, if the party served is a public or
19 private corporation or a partnership or association or governmental
20 agency, by any officer or agent, who shall furnish such information
21 as is available to that party. Interrogatories may, without leave
22 of court, be served upon the plaintiff after commencement of the
23 action or upon any other party with the summons and petition or
24 after service of the summons and petition on that party.

1 Each interrogatory shall be answered separately and fully in
2 writing under oath, unless it is objected to, in which event the
3 objecting party shall state the reasons for objection and shall
4 answer to the extent the interrogatory is not objectionable. When
5 answering each interrogatory, the party shall restate the
6 interrogatory then provide the answer. The number of
7 interrogatories to a party shall not exceed thirty in number.
8 Interrogatories inquiring as to the names and locations of
9 witnesses, or the existence, location and custodian of documents or
10 physical evidence shall be construed as one interrogatory. All
11 other interrogatories, including subdivisions of one numbered
12 interrogatory, shall be construed as separate interrogatories. No
13 further interrogatories will be served unless authorized by the
14 court. If counsel for a party believes that more than thirty
15 interrogatories are necessary, he shall consult with opposing
16 counsel promptly and attempt to reach a written stipulation as to a
17 reasonable number of additional interrogatories. Counsel are
18 expected to comply with this requirement in good faith. In the
19 event a written stipulation cannot be agreed upon, the party seeking
20 to submit such additional interrogatories shall file a motion with
21 the court (1) showing that counsel have conferred in good faith but
22 sincere attempts to resolve the issue have been unavailing, (2)
23 showing reasons establishing good cause for their use, and (3)
24 setting forth the proposed additional interrogatories. The answers

1 are to be signed by the person making them, and the objections
2 signed by the attorney making them. The party upon whom the
3 interrogatories have been served shall serve a copy of the answers,
4 and objections if any, within thirty (30) days after the service of
5 the interrogatories, except that a defendant may serve answers or
6 objections to interrogatories within forty-five (45) days after
7 service of the summons and complaint upon that defendant. A shorter
8 or longer time may be directed by the court or, in the absence of
9 such an order, agreed to in writing by the parties subject to
10 Section 3229 of this title. All grounds for an objection to an
11 interrogatory shall be stated with specificity. Any ground not
12 stated in a timely objection is waived unless the party's failure to
13 object is excused by the court for good cause shown. The party
14 submitting the interrogatories may move for an order under
15 subsection A of Section 3237 of this title with respect to any
16 objection to or other failure to answer an interrogatory.

17 B. SCOPE; USE AT TRIAL. Interrogatories may relate to any
18 matters which can be inquired into under subsection B of Section
19 3226 of this title, and the answers may be used to the extent
20 permitted by the Oklahoma Evidence Code as set forth in Sections
21 2101 et seq. of this title.

22 An interrogatory otherwise proper is not necessarily
23 objectionable because an answer to the interrogatory involves an
24 opinion or contention that relates to fact or the application of law

1 to fact. The court may order that such an interrogatory need not be
2 answered until after designated discovery has been completed or
3 until a pretrial conference or other later time.

4 C. OPTION TO PRODUCE BUSINESS RECORDS. Where the answer to an
5 interrogatory may be derived or ascertained from the business
6 records, including electronically stored information, of the party
7 upon whom the interrogatory has been served or from an examination,
8 audit or inspection of such business records, including a
9 compilation, abstract or summary thereof, and the burden of deriving
10 or ascertaining the answer is substantially the same for the party
11 serving the interrogatory as for the party served, it is a
12 sufficient answer to such interrogatory to specify the records from
13 which the answer may be derived or ascertained and to afford to the
14 party serving the interrogatory reasonable opportunity to examine,
15 audit or inspect such records and to make copies, compilations,
16 abstracts or summaries thereof. A specification shall be in
17 sufficient detail to permit the party submitting the interrogatory
18 to locate and to identify, as readily as can the party served, the
19 records from which the answer may be ascertained.

20 SECTION 2. This act shall become effective November 1, 2015.

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22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
23 dated 02/25/2015 - DO PASS.

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