

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senator Schuitmaker

ENROLLED SENATE BILL No. 707

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 1852 (MCL 600.1852) and by adding chapter 22.

The People of the State of Michigan enact:

Sec. 1852. Any court of record of this state in a county in which a person resides, is employed, transacts his or her business in person, or is found may order service upon the person of any document issued in connection with a proceeding in a tribunal outside this state. The order may be made upon application of any interested person or in response to a letter rogatory issued by a tribunal outside this state and shall direct the manner of service. Service in connection with a proceeding in a tribunal outside this state may be made within this state without an order of court. Service under this section does not, of itself, require the recognition or enforcement of an order, judgment or decree rendered outside this state.

CHAPTER 22.

UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

Sec. 2201. This chapter may be referred to and cited as the "uniform interstate depositions and discovery act".

Sec. 2202. As used in this chapter:

- (a) "Foreign jurisdiction" means a state other than this state.
- (b) "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.
- (c) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (d) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

(e) "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to do any of the following:

(i) Attend and give testimony at a deposition.

(ii) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person.

(iii) Permit inspection of premises under the control of the person.

Sec. 2203. (1) To request issuance of a subpoena under this section, a party must submit a foreign subpoena to the clerk of the circuit court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under this chapter does not constitute an appearance in the courts of this state.

(2) When a party submits a foreign subpoena to a clerk of the circuit court in this state, the clerk, in accordance with the court's procedures, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

(3) A subpoena under subsection (2) shall do both of the following:

(a) Incorporate the terms used in the foreign subpoena.

(b) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

Sec. 2204. A subpoena issued by a clerk of the circuit court under section 2203 shall be served in compliance with Michigan court rules.

Sec. 2205. Michigan court rules and statutes of this state applicable to compliance with subpoenas and requests for the production of documents and things or entry on land apply to subpoenas issued under section 2203.

Sec. 2206. A motion for a protective order or an order to enforce, quash, or modify a subpoena issued by a clerk of the circuit court under section 2203 shall comply with Michigan court rules and be submitted to the circuit court in the county in which discovery is to be conducted.

Sec. 2207. In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact the uniform interstate depositions and discovery act.

Sec. 2208. This chapter applies to requests for discovery in actions pending on April 1, 2013.

Sec. 2209. This chapter takes effect April 1, 2013.

Enacting section 1. Section 1852 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1852, as amended by this amendatory act, takes effect April 1, 2013.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor