

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH30113-LD-47 (1/25)

Short Title: Amend Civil Procedure Rule 45.

(Public)

Sponsors: Representative Daughtry.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE: (1) TO ESTABLISH A TIME LIMIT FOR SERVING UPON EACH PARTY TO AN ACTION A COPY OF A SUBPOENA TO APPEAR OR TO PRODUCE RECORDS AND (2) TO AUTHORIZE A PARTY TO AN ACTION TO OBJECT TO A SUBPOENA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 45(b)(2) reads as rewritten:

"(2) Service of copy. – A copy of the subpoena served under subdivision (1) of this subsection shall also be served the same day upon each party in the manner prescribed by Rule 5(b). This subdivision does not apply to subpoenas issued under G.S. 15A-801 or G.S. 15A-802."

SECTION 2. G.S. 1A-1, Rule 45, is amended by adding a new subsection to

read:

"(c1) Objection to Subpoena by Party. – Any party other than the party requesting the subpoena may, within 10 days after service of the copy of the subpoena under subdivision (2) of subsection (b) of this rule or before the time specified for compliance if the time is less than 10 days after service of the copy of the subpoena, serve upon the party or the attorney designated in the subpoena written objection to the subpoena in the same manner as an objection by a person subject to a subpoena under this rule and for the same grounds that are sufficient for an objection by a person subject to a subpoena under this rule."

SECTION 3. This act becomes effective October 1, 2007, and applies to actions filed on or after that date.