

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 316

Short Title: Amend Civil Procedure Rule 45.

(Public)

Sponsors: Representative Daughtry.

Referred to: Judiciary III.

February 22, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE: (1) TO
2 ESTABLISH A TIME LIMIT FOR SERVING UPON EACH PARTY TO AN
3 ACTION A COPY OF A SUBPOENA TO APPEAR OR TO PRODUCE
4 RECORDS AND (2) TO AUTHORIZE A PARTY TO AN ACTION TO OBJECT
5 TO A SUBPOENA.
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7 The General Assembly of North Carolina enacts:

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

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

13 **SECTION 2.** G.S. 1A-1, Rule 45, is amended by adding a new subsection to
14 read:

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

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