

Chapter 17
Utah Uniform Interstate Depositions and Discovery Act

Part 1
General Provisions

78B-17-101 Title.

This chapter is known as the "Utah Uniform Interstate Depositions and Discovery Act."

Enacted by Chapter 278, 2008 General Session

78B-17-102 Definitions.

As used in this chapter:

- (1) "Foreign jurisdiction" means a state other than Utah.
- (2) "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.
- (3) "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.
- (4) "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.
- (5) "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:
 - (a) attend and give testimony at a deposition;
 - (b) 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; or
 - (c) permit inspection of premises under the control of the person.

Enacted by Chapter 278, 2008 General Session

78B-17-103 Scope -- Unauthorized practice of law prohibited -- Reciprocity required.

- (1) Except as provided in Subsection (3), this chapter applies only to issuance, service, and enforcement of subpoenas as provided in this chapter.
- (2) Except as provided in Subsection 78B-17-201(1)(b), nothing in this chapter may be construed to exempt an attorney from another state from complying with statutes and rules governing unauthorized practice of law or from the requirements contained in the Utah Rules of Civil Procedure governing limited appearance.
- (3) Parties resident in another state may use the provisions of this chapter for issuance, service, or enforcement of subpoenas only if the other state has enacted this uniform act or enacted provisions substantially similar to this uniform act.

Enacted by Chapter 278, 2008 General Session

Part 2

Process for Issuance and Service of a Subpoena by a Party in Another State

78B-17-201 Issuance of subpoena.

- (1)
 - (a) To request issuance of a subpoena under this section, a party must submit a foreign subpoena to a court in the judicial district in which discovery is sought to be conducted in Utah.
 - (b) 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 court in Utah, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to whom the foreign subpoena is directed.
- (3) A subpoena under Subsection (2) must:
 - (a) incorporate the terms used in the foreign subpoena; and
 - (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.

Enacted by Chapter 278, 2008 General Session

78B-17-202 Service of subpoena.

A subpoena issued by a clerk of court under Section 78B-17-201 must be served in compliance with Rule 4 and Rule 5, Utah Rules of Civil Procedure.

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78B-17-203 Depositions, production, inspection, and contempt remedies for subpoenas.

Section 78B-6-301 and Utah Rules of Civil Procedure 26 through 37 and 45 apply to subpoenas issued under Section 78B-17-201.

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78B-17-204 Application to court.

An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under Section 78B-17-201 must comply with the rules or statutes of Utah and be submitted to the court in the judicial district in which discovery is to be conducted.

Enacted by Chapter 278, 2008 General Session

Part 3

Uniform Application and Construction - Application to Pending Actions

78B-17-301 Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Enacted by Chapter 278, 2008 General Session

78B-17-302 Application to pending actions.

This chapter applies to requests for discovery in cases pending on May 5, 2008.

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