

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**HOUSE BILL 316
Committee Substitute Favorable 3/27/07
Senate Judiciary II (Criminal) Committee Substitute Adopted 7/25/07**

Short Title: Amend Civil Procedure Rule 45.

(Public)

Sponsors:

Referred to:

February 22, 2007

A BILL TO BE ENTITLED

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2 AN ACT TO AMEND RULE 45 OF THE RULES OF CIVIL PROCEDURE TO
3 ESTABLISH AN OBLIGATION TO PROVIDE NOTICE TO ALL PARTIES TO
4 AN ACTION OF THE ISSUANCE OF A SUBPOENA AND THE RECEIPT OF
5 MATERIAL PRODUCED IN COMPLIANCE WITH THE SUBPOENA, AND TO
6 PROVIDE A REASONABLE OPPORTUNITY TO INSPECT SUCH MATERIAL.

7 The General Assembly of North Carolina enacts:

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

10 "(d1) Opportunity for Inspection of Subpoenaed Matter. – A party or attorney
11 responsible for the issuance and service of a subpoena shall, within five business days
12 after the receipt of material produced in compliance with the subpoena, serve all other
13 parties with (i) the copy of the subpoena as required in subdivision (b)(2) of this section,
14 and (ii) notice of receipt of the material produced in compliance with the subpoena. The
15 party or attorney responsible for the issuance and service of the subpoena shall, upon
16 request, provide all other parties a reasonable opportunity to copy and inspect such
17 material at the expense of the inspecting party."

18 **SECTION 2.** This act becomes effective October 1, 2007, and applies to
19 actions filed on or after that date.