WEST VIRGINIA CODE CHAPTER 56 ARTICLE 12

WV Legislature

§56-12-1. Short title.

This article may be cited as the Uniform Interstate Depositions and Discovery Act.

WV Legislature

§56-12-2. Definitions.

In this article:

“Foreign jurisdiction” means a state other than this state.

“Foreign subpoena” means a subpoena issued under authority of a court of record of a foreign jurisdiction.

“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.

“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

“Subpoena” means a document, however denominated, issued under authority of a court of record requiring a person to:

(1) Attend and give testimony at a deposition;

(2) 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

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

WV Legislature

§56-12-3. Issuance of subpoena.

(a) To request issuance of a subpoena under this section, a party must submit a foreign subpoena to a clerk of 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 act does not constitute an appearance in the courts of this state.

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

(c) A subpoena under subsection (b) of this section must:

(1) Incorporate the terms used in the foreign subpoena; and

(2) 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.

WV Legislature

§56-12-4. Service of subpoena.

A subpoena issued by a clerk of court under section three of this article must be served in compliance with West Virginia Rules of Civil Procedure.

WV Legislature

§56-12-5. Deposition, production and inspection.

The West Virginia Rules of Civil Procedure apply to subpoenas issued under section three of this article.

WV Legislature

§56-12-6. 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 three of this article must comply with the rules or statutes of this state and be submitted to the court in the county in which discovery is to be conducted.

WV Legislature

§56-12-7. Uniformity of application and construction.

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

WV Legislature

§56-12-8. Application to pending actions.

This article applies to requests for discovery in cases pending on the effective date of this article.

WV Legislature