

1 ENGROSSED HOUSE  
2 BILL NO. 2228

By: Moore of the House

3 and

4 Howard of the Senate  
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7 An Act relating to civil procedure; amending 12 O.S.  
8 2011, Section 3233, as last amended by Section 1,  
9 Chapter 313, O.S.L. 2018 (12 O.S. Supp. 2020, Section  
10 3233), which relates to interrogatories; requiring  
11 disclosure of certain information regarding  
12 witnesses; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 12 O.S. 2011, Section 3233, as  
15 last amended by Section 1, Chapter 313, O.S.L. 2018 (12 O.S. Supp.  
16 2020, Section 3233), is amended to read as follows:

17 Section 3233. A. AVAILABILITY; PROCEDURES FOR USE. Any party  
18 may serve upon any other party written interrogatories to be  
19 answered by the party served or, if the party served is a public or  
20 private corporation or a partnership or association or governmental  
21 agency, by any officer or agent, who shall furnish such information  
22 as is available to that party.

23 Each interrogatory shall be answered separately and fully in  
24 writing under oath, unless it is objected to, in which event the

1 objecting party shall state the reasons for objection and shall  
2 answer to the extent the interrogatory is not objectionable. When  
3 answering each interrogatory, the party shall restate the  
4 interrogatory, then provide the answer. The number of  
5 interrogatories to a party shall not exceed thirty in number.  
6 Interrogatories inquiring as to the names and, locations, and  
7 contact information of witnesses, or the existence, location, and  
8 custodian of documents or physical evidence shall be construed as  
9 one interrogatory. The party responding to interrogatories  
10 requesting names, locations, and contact information of witnesses  
11 shall disclose full names, last-known addresses, and all last-known  
12 telephone numbers of such witnesses as known by or otherwise  
13 available to that party. All other interrogatories, including  
14 subdivisions of one numbered interrogatory, shall be construed as  
15 separate interrogatories. No further interrogatories will be served  
16 unless authorized by the court. If counsel for a party believes  
17 that more than thirty interrogatories are necessary, counsel shall  
18 consult with opposing counsel promptly and attempt to reach a  
19 written stipulation as to a reasonable number of additional  
20 interrogatories. Counsel are expected to comply with this  
21 requirement in good faith. In the event a written stipulation  
22 cannot be agreed upon, the party seeking to submit such additional  
23 interrogatories shall file a motion with the court (1) showing that  
24 counsel have conferred in good faith but sincere attempts to resolve

1 the issue have been unavailing, (2) showing reasons establishing  
2 good cause for their use, and (3) setting forth the proposed  
3 additional interrogatories. The answers are to be signed by the  
4 person making them, and the objections signed by the attorney making  
5 them. Interrogatories may, without leave of court, be served upon  
6 any party after the filing of a petition. The party upon whom the  
7 interrogatories have been served shall serve a copy of the answers,  
8 and objections if any, within thirty (30) days after the service of  
9 the interrogatories. The ~~30-day~~ thirty-day response period shall  
10 not commence until an answer to the petition is filed. However,  
11 upon leave of court or otherwise agreed to in writing by the parties  
12 subject to Section 3229 of this title, answers to interrogatories  
13 may be required prior to the filing of an answer to the petition.  
14 All grounds for an objection to an interrogatory shall be stated  
15 with specificity. Any ground not stated in a timely objection is  
16 waived unless the party's failure to object is excused by the court  
17 for good cause shown. The party submitting the interrogatories may  
18 move for an order under subsection A of Section 3237 of this title  
19 with respect to any objection to or other failure to answer an  
20 interrogatory.

21 B. SCOPE; USE AT TRIAL. Interrogatories may relate to any  
22 matters which can be inquired into under subsection B of Section  
23 3226 of this title, and the answers may be used to the extent  
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1 permitted by the Oklahoma Evidence Code as set forth in Sections  
2 2101 et seq. of this title.

3 An interrogatory otherwise proper is not necessarily  
4 objectionable because an answer to the interrogatory involves an  
5 opinion or contention that relates to fact or the application of law  
6 to fact. The court may order that such an interrogatory need not be  
7 answered until after designated discovery has been completed or  
8 until a pretrial conference or other later time.

9 C. OPTION TO PRODUCE BUSINESS RECORDS. Where the answer to an  
10 interrogatory may be derived or ascertained from the business  
11 records, including electronically stored information, of the party  
12 upon whom the interrogatory has been served or from an examination,  
13 audit or inspection of such business records, including a  
14 compilation, abstract or summary thereof, and the burden of deriving  
15 or ascertaining the answer is substantially the same for the party  
16 serving the interrogatory as for the party served, it is a  
17 sufficient answer to such interrogatory to specify the records from  
18 which the answer may be derived or ascertained and to afford to the  
19 party serving the interrogatory reasonable opportunity to examine,  
20 audit or inspect such records and to make copies, compilations,  
21 abstracts or summaries thereof. A specification shall be in  
22 sufficient detail to permit the party submitting the interrogatory  
23 to locate and to identify, as readily as can the party served, the  
24 records from which the answer may be ascertained.

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SECTION 2. This act shall become effective November 1, 2021.

Passed the House of Representatives the 18th day of February, 2021.

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Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2021.

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Presiding Officer of the Senate