

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 747

By: Reinhardt

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Discovery Code;
8 amending 12 O.S. 2021, Section 3226.1, which relates
9 to abusive discovery; establishing grounds for good
10 cause to issue protective order to prevent deposition
11 of certain officers; requiring certain motion;
12 requiring court to issue certain order; providing
13 exceptions; authorizing limitation of scope of
14 deposition of certain officers; authorizing vacating
15 or modifying order under certain circumstances; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 12 O.S. 2021, Section 3226.1, is
19 amended to read as follows:

20 Section 3226.1. A. ABUSIVE DISCOVERY. In addition to the
21 protective orders that a court may issue pursuant to paragraph 1 of
22 subsection C of Section 3226 of Title 12 of the Oklahoma Statutes, a
23 protective order may be issued by the court authorizing or denying
24 discovery in the court in which the action is pending. A protective
order may also be authorized on matters relating to a deposition.
The order may be issued upon a motion by a party or the person from
whom discovery is sought. The motion shall be accompanied by a

1 certification that the movant has in good faith conferred or
2 attempted to confer, either in person or by telephone, with other
3 affected parties in an effort to resolve the dispute without court
4 action. Upon receipt by the court of the motion and certification,
5 the court may enter the protective order authorizing or denying the
6 discovery upon a finding that justice requires a party or person be
7 protected from annoyance, harassment, embarrassment, oppression or
8 undue delay, burden, or expense.

9 B. DEPOSITION OF HIGH-RANKING OFFICER. Good cause for a
10 protective order exists under subsection A of this section to
11 prevent the deposition of an officer of an organization if the party
12 or the person seeking the protective order demonstrates that the
13 person sought to be deposed:

14 1. Is a current or former high-ranking officer of a government
15 entity or any other public or private organization that is large and
16 complex;

17 2. Has unique and extensive scheduling demands or
18 responsibilities; and

19 3. Lacks unique personal knowledge of the issues being
20 litigated.

21 The party or person seeking the protective order shall file a
22 motion, accompanied by an affidavit or declaration of the officer,
23 establishing such requirements.

1 If the party or person meets the burden, the court shall issue
2 an order preventing the deposition unless the party seeking the
3 deposition demonstrates that it has exhausted other reasonable means
4 of discovery, that such discovery is inadequate, and that the
5 officer has unique and personal knowledge of discoverable
6 information.

7 To the extent that the party or the person seeking a protective
8 order shows that an officer lacks unique personal knowledge of some,
9 but fewer than all, matters relevant to the subject matter involved
10 in the pending action, the court may limit the scope of the
11 deposition accordingly rather than prohibiting altogether the
12 deposition of the officer. The court may vacate or modify the order
13 if, after additional discovery, the party seeking the deposition can
14 meet its burden under this section.

15 C. AWARD OF EXPENSES OF MOTION. If the motion is granted, the
16 court may, after opportunity for hearing, require the party or
17 person whose conduct necessitated the motion or the party or
18 attorney advising such conduct or both of them to pay to the moving
19 party the reasonable expenses incurred in obtaining the order,
20 including attorney fees, unless the court finds that the opposition
21 to the motion was substantially justified or that other
22 circumstances make an award of expenses unjust.

23 If the motion is denied, the court may, after opportunity for
24 hearing, require the moving party or the attorney advising the

1 motion or both of them to pay to the party or deponent who opposed
2 the motion the reasonable expenses incurred in opposing the motion,
3 including attorney fees, unless the court finds that the making of
4 the motion was substantially justified or that other circumstances
5 make an award of expenses unjust.

6 If the motion is granted in part and denied in part, the court
7 may apportion the reasonable expenses incurred in relation to the
8 motion among the parties and persons in a just manner.

9 SECTION 2. This act shall become effective November 1, 2025.

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