

SUPREME COURT OF WISCONSIN

In the Matter of the Amendment of
Rules of Civil Procedure: Wis. Stat.
§ 805.07(2)(b) -- Notice of Third-
Party Subpoena

ORDER
No. 95-09

The court held a public hearing October 11, 1995 on the petition filed by the Judicial Council of Wisconsin seeking the amendment of Wis. Stat. § 805.07(2)(b) to require notice of third-party discovery subpoenas to preserve the right of other parties in respect to them. The court has considered the petition and the matters presented at the public hearing.

IT IS ORDERED that, effective January 1, 1996, 805.07(2) of the statutes is renumbered 805.07(2)(a) and 805.07(2)(b) of the statutes is created to read:

805.07(2)(b) Notice of a third-party subpoena issued for discovery purposes shall be provided to all parties at least 10 days before the scheduled deposition in order to preserve their right to object. If a third-party subpoena requests the production of books, papers, documents or tangible things that are within the scope of discovery under s. 804.01(2)(a), those objects shall not be provided before the time and date specified in the subpoena. The provisions under this paragraph apply unless all of the parties otherwise agree.

JUDICIAL COUNCIL NOTE, 1995: Subsection (2)(b) requires notice of third-party discovery subpoenas in order to preserve the right of other parties to move to quash them.

IT IS FURTHER ORDERED that the note of the Judicial Council is not adopted but shall be printed for information purposes.

IT IS FURTHER ORDERED that notice of this amendment of the rules of civil procedure shall be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 12th day of October, 1995.

BY THE COURT:

Marilyn L. Graves, Clerk