

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 923
HOUSE BILL 1188

AN ACT TO AMEND RULE 34 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE CLERK OF COURT, EXCEPT IN PROCEEDINGS PENDING BEFORE HIM, AS AN OFFICER WHO CAN COMPEL THE PRODUCTION OF DOCUMENTS, UNDER RULE 34.

The General Assembly of North Carolina enacts:

Section 1. Section 1A-1 of the General Statutes, Rule 34, is hereby amended by deleting the opening paragraph and substituting the following: "Discovery on court order. Upon motion of any party showing good cause therefor and upon notice to all other parties, and subject to the provisions of Rule 30(b), a judge of the court in which an action or proceeding is pending, a magistrate to whom a small claim has been assigned under the provisions of G.S. 7A-213, a referee appointed under the provisions of G.S. 1A-1, Rule 53(c), as defined by Rule 30(h), or the clerk of the court before whom a proceeding is pending, may".

Sec. 2. This act shall be in full force and effect on and after January 1, 1975, and shall apply to actions and proceedings pending on that date as well as to actions and proceedings commenced on and after that date.

In the General Assembly read three times and ratified, this the 5th day of March, 1974.