

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 201
HOUSE BILL 475

AN ACT TO HAVE DISCOVERY PAPERS FILED WITH CLERK ONLY WHEN
USED IN PROCEEDING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 5(d) is amended by rewriting the second sentence as follows: "All other papers required to be served upon a party shall be filed with the court either before service or within five days thereafter, except that depositions, interrogatories, requests for documents, and answers and responses to those requests may not be filed unless ordered by the court or until used in the proceeding. The party taking a deposition or obtaining material through discovery is responsible for its preservation and delivery to the court if needed or so ordered."

Sec. 2. G.S. 1A-1, Rule 30(f)(1) is amended by rewriting the second sentence as follows: "He shall then place the deposition in an envelope endorsed with the title of the action and marked 'Deposition of (here insert name of witness)' and shall personally deliver it or mail it by first class mail to the party taking the deposition or his attorney who shall preserve it as the court's copy."

Sec. 3. This act shall become effective October 1, 1983, and applies to depositions taken on or after that date, to interrogatories, requests for documents and answers and responses thereto made on or after that date.

In the General Assembly read three times and ratified, this the 21st day of April, 1983.