

Chapter 5.51 RCW
UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

Sections

5.51.010	Definitions.
5.51.020	Issuance of subpoena.
5.51.030	Service of subpoena.
5.51.040	Subpoenas—Deposition, production, and inspection.
5.51.050	Protective order—Application to court.
5.51.900	Short title.
5.51.901	Uniformity of application and construction.
5.51.902	Application to pending actions.

RCW 5.51.010 Definitions. In this chapter:

- (1) "Foreign jurisdiction" means a state other than Washington state.
- (2) "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.
- (3) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.
- (4) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.
- (5) "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:
 - (a) Attend and give testimony at a deposition;
 - (b) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or
 - (c) Permit inspection of premises under the control of the person. [2012 c 95 § 2.]

RCW 5.51.020 Issuance of subpoena. (1) (a) To request issuance of a subpoena under this section, a party must submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under this chapter does not constitute an appearance in the courts of Washington state.

(b) A request for issuance of any subpoena pursuant to this section must include an attestation, made under penalty of perjury, stating whether the subpoena seeks documents, information, or testimony related to the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or attempted assistance in the provision or receipt of protected health care services as defined in RCW 7.115.010 that are lawful in the state of Washington. If a court finds that a false attestation was intentionally submitted and the subpoena did seek documents, information, or testimony related to the provision, receipt, attempted provision or receipt, assistance in the provision or receipt, or

attempted assistance in the provision or receipt of protected health care services as defined in RCW 7.115.010 that are lawful in the state of Washington, a statutory penalty of \$10,000 per violation will apply. Submission of such attestation subjects the attester to the jurisdiction of the courts of Washington state for any suit, penalty, or damages arising out of a false attestation under this section.

(2) Except as provided in subsection (4) of this section, when a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

(3) A subpoena under subsection (2) of this section must:

(a) Incorporate the terms used in the foreign subpoena; and

(b) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

(4) If a party submits a foreign subpoena to a clerk of court in this state that seeks documents, information, or testimony that relate to protected health care services, as defined in RCW 7.115.010, the clerk shall not issue a subpoena for service and shall present the request to the court for action. The court shall review the foreign subpoena and shall not issue a subpoena for service and shall quash any existing subpoena issued by the court if the subpoena is for documents, information, or testimony that relates to protected health care services as defined in RCW 7.115.010, unless the subpoena seeks documents, information, or testimony related to:

(a) An out-of-state action that is founded in tort, contract, or statute, for which a similar claim would exist under the laws of this state, that is brought by a person or the person's authorized legal representative, for damages suffered by the person or damages derived from an individual's loss of consortium of the person; or

(b) An out-of-state action that is founded in contract, and for which a similar claim would exist under the laws of this state, that is brought or sought to be enforced by a party with a contractual relationship with the person that is the subject of the subpoena. [2023 c 193 § 3; 2012 c 95 § 3.]

Effective date—2023 c 193: See note following RCW 7.115.020.

RCW 5.51.030 Service of subpoena. A subpoena issued by a clerk of court under RCW 5.51.020 must be served in compliance with superior court civil rule (CR) 45. [2012 c 95 § 4.]

RCW 5.51.040 Subpoenas—Deposition, production, and inspection. Superior court civil rules (CR) 26 through 37 apply to subpoenas issued under RCW 5.51.020. [2012 c 95 § 5.]

RCW 5.51.050 Protective order—Application to court. An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under RCW 5.51.020 must comply with the rules or statutes of Washington state and be submitted to the court in the county in which discovery is to be conducted. [2012 c 95 § 6.]

RCW 5.51.900 Short title. This act [chapter] may be known and cited as the uniform interstate depositions and discovery act. [2012 c 95 § 1.]

RCW 5.51.901 Uniformity of application and construction. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact this chapter. [2012 c 95 § 7.]

RCW 5.51.902 Application to pending actions. This chapter applies to requests for discovery in cases pending on June 7, 2012. [2012 c 95 § 8.]