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8 opportunity to inspect or copy the insurance agreement or policy.

9 **B(3) Trial preparation materials.** Subject to the provisions of Rule 44, a party may
10 obtain discovery of documents and tangible things otherwise discoverable under subsection
11 B(1) of this rule and prepared in anticipation of litigation or for trial by or for another party or
12 by or for that other party's representative (including an attorney, consultant, surety,
13 indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has
14 substantial need of the materials in the preparation of such party's case and is unable without
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1 transcription thereof, which is a substantially verbatim recital of an oral statement by the
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3 **C Court order limiting extent of disclosure.** Upon motion by a party or by the person
4 from whom discovery is sought, and for good cause shown, the court in which the action is
5 pending may make any order which justice requires to protect a party or person from
6 annoyance, embarrassment, oppression, or undue burden or expense, including one or more of
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19 If the motion for a protective order is denied in whole or in part, the court may, on such
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7 **C Court order limiting extent of disclosure.**

8 **C(1) Grounds for limitation.** Upon motion by a party or by the person from whom
9 discovery is sought, and for good cause shown, the court in which the action is pending may
10 make any order [which] **that** justice requires to protect a party or person from annoyance,
11 embarrassment, oppression, or undue burden or expense, including one or more of the
12 following:

13 [(1)] **C(1)(a)** that the discovery not be had;

14 [(2)] **C(1)(b)** that the discovery may be had only on specified terms and conditions,
15 including a designation of the time or place;

16 [(3)] **C(1)(c)** that the discovery may be had only by a method of discovery other than
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18 [(4)] **C(1)(d)** that certain matters not be inquired into, or that the scope of the discovery
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20 [(5)] **C(1)(e)** that discovery be conducted with no one present except persons designated
21 by the court;

22 [(6)] **C(1)(f)** that a deposition after being sealed be opened only by order of the court;

23 [(7)] **C(1)(g)** that a trade secret or other confidential research, development, or
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1 [(9)] **C(1)(i)** that to prevent hardship the party requesting discovery pay to the other
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3 request for discovery.

4 **C(2) Denial; grounds.** If the motion for a protective order is denied in whole or in part,
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8 **C(1) Relief available; grounds for limitation.** Upon motion by a party or by the person
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25 **request for production to the needs of the case including the importance of the issues at**
26 **stake in the action, the parties' relative access to relevant information, the parties' resources,**

1 **the importance of the discovery, and the burden or cost of producing the information.**

2 **C(2) Denial of motion.** If the motion for a protective order is denied in whole or in part,
3 the court may, on such terms and conditions as are just, order that any party or person provide
4 or permit discovery. The provisions of Rule 46 A(4) apply to the award of expenses incurred in
5 relation to the motion.

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1 | be performed as soon as practicable following the filing of the complaint and the request to
2 | disclose. The court may supervise the exercise of disclosure to the extent necessary to [*insure*]
3 | **ensure** that it proceeds properly and expeditiously. However, the court may limit the extent of
4 | disclosure under this subsection as provided in section C of this rule.

5 | B(2)(c) **Admissibility; applications for insurance.** Information concerning the insurance
6 | agreement or policy is not by reason of disclosure admissible in evidence at trial. For purposes
7 | of this subsection, an application for insurance shall not be treated as part of an insurance
8 | agreement or policy.

9 | B(2)(d) **Definition.** As used in this subsection, “disclose” means to afford the adverse
10 | party an opportunity to inspect or copy the insurance agreement or policy.

11 | **B(3) Trial preparation materials.**

12 | **B(3)(a) Materials subject to a showing of substantial need.** Subject to the provisions of
13 | Rule 44, a party may obtain discovery of documents and tangible things otherwise discoverable
14 | under subsection B(1) of this rule and prepared in anticipation of litigation or for trial by or for
15 | another party or by or for that other party's representative (including an attorney, consultant,
16 | surety, indemnitor, insurer, or agent) only [*upon*] **on** a showing that the party seeking discovery
17 | has substantial need of the materials in the preparation of such party's case and is unable
18 | without undue hardship to obtain the substantial equivalent of the materials by other means. In
19 | ordering discovery of such materials when the required showing has been made, the court shall
20 | protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of
21 | an attorney or other representative of a party concerning the litigation.

22 | **B(3)(b) Prior statements.** A party may obtain, without the required showing, a
23 | statement concerning the action or its subject matter previously made by that party. [*Upon*] **On**
24 | request, a person who is not a party may obtain, without the required showing, a statement
25 | concerning the action or its subject matter previously made by that person. If the request is
26 | refused, the person or party requesting the statement may move for a court order. The

1 provisions of Rule 46 A(4) apply to the award of expenses incurred in relation to the motion. For
2 purposes of this subsection, a statement previously made is [(a)] **either:** a written statement
3 signed or otherwise adopted or approved by the person making it[,]; or [(b)] a stenographic,
4 mechanical, electrical, or other recording, or a transcription [*thereof, which*] **that** is a
5 substantially verbatim recital of an oral statement by the person making it and
6 contemporaneously recorded.

7 **C Court order limiting extent of disclosure.**

8 **C(1) Relief available; grounds for limitation.** [*Upon*] **On** motion by a party or by the
9 person from whom discovery is sought, and for good cause shown, the court in which the
10 action is pending may make any order [*which*] **that** justice requires to protect a party or person
11 from annoyance, embarrassment, oppression, or undue burden or expense, including one or
12 more of the following: [(1)] that the discovery not be had; [(2)] that the discovery may be had
13 only on specified terms and conditions, including a designation of the time or place; [(3)] that
14 the discovery may be had only by a method of discovery other than that selected by the party
15 seeking discovery; [(4)] that certain matters not be inquired into, or that the scope of the
16 discovery be limited to certain matters; [(5)] that discovery be conducted with no one present
17 except persons designated by the court; [(6)] that a deposition after being sealed be opened
18 only by order of the court; [(7)] that a trade secret or other confidential research, development,
19 or commercial information not be disclosed or be disclosed only in a designated way; [(8)] that
20 the parties simultaneously file specified documents or information enclosed in sealed
21 envelopes to be opened as directed by the court; or [(9)] that to prevent hardship the party
22 requesting discovery pay to the other party reasonable expenses incurred in attending the
23 deposition or otherwise responding to the request for discovery.

24 **C(2) Denial of motion.** If the motion for a protective order is denied in whole or in part,
25 the court may, on such terms and conditions as are just, order that any party or person provide
26 or permit discovery. The provisions of Rule 46 A(4) apply to the award of expenses incurred in

1 | relation to the motion.

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