

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

7 **B(4) Discovery to enforce judgment. A judgment creditor, or a successor in interest**
8 **whose interest appears of record, may issue a subpoena as provided in Rule 55 and may**
9 **obtain discovery as provided in these rules or by applicable statute from any person,**
10 **including the judgment debtor, for the purpose of collection or enforcement of a judgment.**
11 **However, if the court has stayed enforcement of a judgment as a result of a satisfactory**
12 **undertaking securing the judgment on the part of any judgment debtor, or for any other**
13 **reason, authority to issue a subpoena or to obtain discovery is only available pursuant to**
14 **court order.**

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

16 **C(1) Relief available; grounds for limitation.** On motion by a party or by the person from
17 whom discovery is sought, and for good cause shown, the court in which the action is pending
18 may make any order that justice requires to protect a party or person from annoyance,
19 embarrassment, oppression, or undue burden or expense, including one or more of the
20 following: that the discovery not be had; that the discovery may be had only on specified terms
21 and conditions, including a designation of the time or place; that the discovery may be had
22 only by a method of discovery other than that selected by the party seeking discovery; that
23 certain matters not be inquired into, or that the scope of the discovery be limited to certain
24 matters; that discovery be conducted with no one present except persons designated by the
25 court; that a deposition after being sealed be opened only by order of the court; that a trade
26 secret or other confidential research, development, or commercial information not be

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25 disclosed or be disclosed only in a designated way; that the parties simultaneously file specified
26 documents or information enclosed in sealed envelopes to be opened as directed by the court;

1 B(2)(b) **Procedure for disclosure.** The obligation to disclose under this subsection [*shall*]
2 **must** be performed as soon as practicable following the filing of the complaint and the request
3 to disclose. The court may supervise the exercise of disclosure to the extent necessary to
4 ensure that it proceeds properly and expeditiously. However, the court may limit the extent of
5 disclosure under this subsection as provided in section C of this rule.

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

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

12 B(3) **Trial preparation materials.**

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

23 B(3)(b) **Prior statements.** A party may obtain, without the required showing, a statement
24 concerning the action or its subject matter previously made by that party. On request, a person
25 who is not a party may obtain, without the required showing, a statement concerning the
26 action or its subject matter previously made by that person. If the request is refused, the

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14 C(1) **Relief available; grounds for limitation.** On motion by a party or by the person from
15 whom discovery is sought, and for good cause shown, the court in which the action is pending
16 may make any order that justice requires to protect a party or person from annoyance,
17 embarrassment, oppression, or undue burden or expense, including one or more of the
18 following: that the discovery not be had; that the discovery may be had only on specified terms
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26 documents or information enclosed in sealed envelopes to be opened as directed by the court;

1 or that to prevent hardship the party requesting discovery pay to the other party reasonable
2 expenses incurred in attending the deposition or otherwise responding to the request for
3 discovery.

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