

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE: PROPOSED AMENDMENT TO
RULE 45 OF THE MONTANA RULES
OF CIVIL PROCEDURE

)
) ORDER
)

FILED

JUL 08 2003

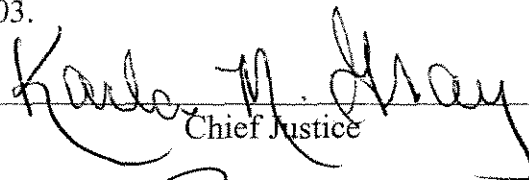
On June 24, 2003, James H. Goetz, on behalf of the Montana Supreme Court Advisory Commission on the Montana Rules of Civil and Appellate Procedure, submitted to this Court a proposed amendment to Rule 45, M.R.Civ.P. The proposed amendment, which consists of language to be added as subsection (a)(4) of Rule 45, appears on Attachment A to this Order, and the Advisory Commission's Comment regarding the amendment appears thereafter.

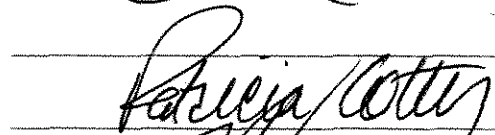
Good cause having been shown,


IT IS ORDERED that effective September 1, 2003, Rule 45, M.R.Civ.P., is amended by the addition of the language set forth in Attachment A, incorporated by reference herein, which shall be denominated as Rule 45(a)(4), M.R.Civ.P.

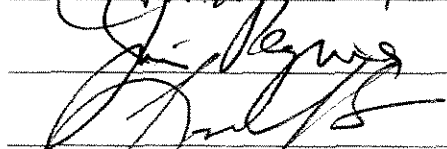
The Clerk shall mail copies of this Order to the Code Commissioner of the Legal Services Division for the State of Montana; to all Clerks of the District Court of the State of Montana with a request that each Clerk furnish a copy to each District Court Judge in their respective counties; to the Clerk of the United States District Court for the State of Montana; to the Chair of the Advisory Commission on Rules of Civil and Appellate Procedure; to the Montana State Law Librarian; to the President and Executive Director of the State Bar of Montana with the request that this order be published in the next available issue of the *Montana Lawyer*; to the State Reporter Publishing Company; and to West Group.


DATED this 8th day of July, 2003.


Chief Justice








Justices

ATTACHMENT A

Rule 45(a)(4)

(4) A party or an attorney responsible for the issuance and service of a subpoena seeking health care information, as defined by 50-16-504(6), Montana Code Annotated, shall comply with the provisions of 50-16-535 and -536, Montana Code Annotated.

Advisory Commission Comment to Rule 45(a)(4)

This provision was added so that it would be clear that the compulsory process features of Rule 45 comply with the specific protective features regarding health care information found in the Montana statutes, 50-16-535 and -536, MCA.