

Senate File 349 - Introduced

SENATE FILE 349
BY DICKEY

A BILL FOR

1 An Act relating to the rules of civil procedure, including
2 remedies for the failure to meet discovery deadlines.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **619A.1 Discovery deadlines —**
2 **enforcement.**

3 1. The court shall not grant an extension for or waive any
4 deadline provided in Iowa rules of civil procedure 1.500 through
5 1.517 unless the extension for, or waiver of, the deadline is
6 mutually agreed upon by all parties.

7 2. If a party fails to comply with a deadline provided
8 in Iowa rules of civil procedure 1.500 through 1.517, or the
9 extension of a deadline mutually agreed upon by all parties, the
10 court shall do all of the following:

11 a. Assess a civil penalty against the party for each
12 violation. In determining the amount of the civil penalty, the
13 court shall consider the severity of the violation, the delay and
14 disruption to the civil proceeding caused by the violation, and
15 whether the party has previously failed to comply with a deadline
16 provided for in Iowa rules of civil procedure 1.500 through 1.517
17 or a deadline extended by mutual agreement.

18 b. If the nonoffending party would customarily file a motion
19 to compel to enforce the missed deadline, regardless of whether
20 the nonoffending party does file a motion to compel, award
21 reasonable attorney fees to the nonoffending party relating to
22 the amount the nonoffending party spent, or would have spent, to
23 file a motion to compel.

24 3. The court shall not waive civil penalties or the award of
25 attorney fees under this section.

26 4. Civil penalties and attorney fees shall be in addition to
27 any other remedy provided under the Iowa rules of civil procedure
28 or law.

29 **EXPLANATION**

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to enforcement of the Iowa rules of civil
33 procedure discovery deadlines. The bill provides that the court
34 may not waive or extend a deadline provided in Iowa rules of
35 civil procedure 1.500 through 1.517 (discovery and inspection)

1 unless all parties agree to the waiver or extension. If a party
2 fails to comply with a deadline, the bill requires the court
3 to assess a civil penalty against the party for violation of
4 the rules and if the nonoffending party would typically file a
5 motion to compel to enforce the missed deadline, then reasonable
6 attorney fees shall also be awarded. The bill prohibits a court
7 from waiving civil penalties or awards under the bill. The bill
8 also provides that civil penalties and fees shall be in addition
9 to any other remedy the party may be entitled to.

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