

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE AMENDMENT OF  
SDCL OF 15-6-26(c)

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RULE 01-6

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A hearing was held on March 20, 2001, at Vermillion, South Dakota, relating to the amendment of SDCL 15-6-11(a), and the Court considered the proposed amendment, and oral presentation relating thereto, and being fully advised in the premises, now, therefore, it is hereby

ORDERED that SDCL 15-6-26(c) is amended to read in its entirety as follows:

**15-6-26(c) Protective orders.**

Upon motion by a party or by the person from whom discovery is sought or has been taken, or other person who would be adversely affected, and for good cause shown, the court in which the action is pending on matters relating to a deposition, interrogatories, or other discovery, or alternatively, the court in the circuit where the deposition is to be taken may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (1) That the discovery not be had;
- (2) That the discovery may be had only on specified terms and conditions, including a designation of the time and place;
- (3) That the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- (4) That certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;
- (5) That discovery be conducted with no one present except persons designated by the court;
- (6) That a deposition after being sealed be opened only by order of the court;
- (7) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;

- (8) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.
- (9) That depositions, interrogatories, admissions, other discovery, documents and exhibits attached to motions, or portions of such documents, be sealed unless and until opened at the direction of the court.

If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery. The provisions of subdivision (4) of §15-6-37(a) apply to the award of expenses incurred in relation to the motion.

It IS FURTHERED ORDERED that this rule shall become effective July 1, 2001

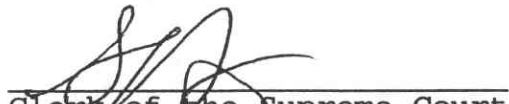
DATED at Pierre, South Dakota this 10th day of April, 2001.

BY THE COURT:

A handwritten signature in dark ink, appearing to be 'Robert A. Miller', written over a horizontal line.

Robert A. Miller, Chief Justice

ATTEST:

A handwritten signature in dark ink, appearing to be 'Shirley A. Johnson', written over a horizontal line.

Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

APR 10 2001

A handwritten signature in dark ink, appearing to be 'Shirley A. Johnson', written over a horizontal line.

Clerk