

REQUEST FOR NEW RULE OR CHANGE FOR EXISTING RULES

TEXAS RULES OF CIVIL PROCEDURE

I. Existing Rule: There is no existing rule.

Exact wording of proposed rule:

Rule 166g. STANDARD DEFINITIONS

The following definitions are applicable to all written discovery requested pursuant to these Rules. When the words so defined are used in written discovery requests, they shall have the meaning stated in this Rule unless defined differently by the party seeking discovery. This Rule does not preclude a party from using additional definitions when such definition will aid in understanding the information requested.

(1) "You" -- "Your" and "you" refer to the party to whom these discovery requests are addressed; and your agents, servants, employees and attorneys.

(2) "Documents" -- "Document" and "Documents" include, but are not limited to: all paper material of any kind, whether written, typed, printed, punched, filmed, or marked in any way, including photographs and all nonidentical copies; and all data stored by, in, or on mechanical, electronic, or chemical forms or media, including films, transcriptions, graphic depictions, and other data compilations in the possession, custody or control of the party upon whom a request is made.

(3) "Tangible things" -- "Tangible things" includes everything that is not a document.

(4) "Person" -- "Person" means a corporation, partnership, organization, association, or entity, a natural person, and any government or governmental body, commission, board, or agency;

(5) "Identify or Identification" -- "Identify" or "identification," when used in reference to a document, means to state the date, the author (and, if different, the signer or signers), the addressee, type of document (e.g., letter, memorandum, telegram, chart, data compilation, etc.), and any other means of identifying it with sufficient particularity to meet the requirements for its inclusion in a request for production. If any such document was, but is no longer in your

possession or subject to your control, state what disposition was made of it and the reason for such disposition;

"Identify" or "identification" when referring to a person means state information sufficient to enable the requesting party to locate such person, including, but not limited to: that person's full name; present or last known residential address and telephone number; and last known employer or business affiliation, including its address.

If the person to be identified is an entity other than a natural person, "identify" or "identification" means to state the entity's full name, the type of entity (e.g., corporation, partnership, proprietorship, organization, etc.) and the present or last known telephone number and address of its principal office or place of doing business.

II. Brief statement of reasons for requested changes and advantages to be served by proposed new rule.

The purpose of Rule 166g is to provide standard definitions for use in written discovery and to eliminate the necessity for numerous and different definitions to be given by the party seeking discovery; to standardize the definition in order to avoid unnecessary and time consuming objections.