

**KENTUCKY BAR ASSOCIATION  
KENTUCKY RULES OF CIVIL PROCEDURE**

**COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND  
ORDERS**

**CR 5.06 Filing – discovery material**

(1) Except as provided in paragraphs (2) and (3) of this rule, the following documents shall not be filed with the Court unless the Court orders otherwise:

- (a) Interrogatories propounded under Rule 33,
- (b) Requests for Production or Inspection made under Rule 34,
- (c) Requests for Admission under Rule 36, and
- (d) Subpoenas issued pursuant to Rule 45.

The party responsible for service of the document shall retain the original and become the custodian. The custodian shall provide access to all parties of record during the pendency of the action. Subpoenas shall be returned to the party requesting issuance.

(2) If a document not filed pursuant to Rule 5.06(1) is to be used at trial or is necessary to a pre-trial motion, the portion of the document to be used shall be filed with the Clerk of the Court at the outset of the trial or at the filing of the motion insofar as its use can be reasonably anticipated.

(3) When a document not filed pursuant to Rule 5.06(1) is needed for appeal purposes, post-trial motions, or any other purpose, the court before which the case is pending shall, upon motion of any party, order the necessary document be filed with the Clerk and it shall become part of the record. The parties may, at any time by stipulation, file documents not filed pursuant to Rule 5.06(1).

HISTORY: Amended by Order 91-2, eff. 11-15-91; prior amendment eff. 8-28-89; adopted eff. 1-1-85