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Litigation Attorney Lauren Marciano for The Journal Record - SB 453: A Legislative Upend to Oklahoma Civil Litigation

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By: [Lauren M. Marciano](#)

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<https://journalrecord.com/2025/06/25/oklahoma-expedited-actions-act-sb453/>

On May 27, 2025, Governor Stitt signed Senate Bill 453 into law, creating major changes for civil actions where the monetary relief requested is \$250,000.00 or less[1]. Effective September 1, 2025, the bill's "Oklahoma Expedited Actions Act" seeks to fast-track Oklahoma civil litigation. The Act restricts the discovery process and limits recovery for any party bringing suit under the Act to \$250,000.00. Major departures from current practice include the use of a discovery control plan to enforce an expedited timetable for completing discovery, limiting a party to issuing 15 interrogatories, requests for admissions, and requests for production, and restricting deposition testimony for examination and cross-examination of witnesses to 20 hours per party. Upon a party's request, courts must offer a trial date within 90 days of the close of discovery and may continue the date twice, not to exceed a total of 60 days. Even Alternative Dispute Resolution procedure is limited under the Act, with courts restricted to ordering the parties to a half-day session.

New statute 12 O.S. § 1778(B) contemplates that an action may be removed from the expedited actions process, but the Act, as written, is devoid of statutory provisions establishing a procedure for removal. Logically, the process should not be altogether different from removing an action from the Small Claims Procedure Act but does not include a threshold amount of requested monetary relief or other factors to allow for transfer to the regular civil docket upon motion. It is also unclear under the Act whether including a request for non-monetary relief in a petition would prevent an action from falling within the scope of the expedited process.

Creation of the expedited process makes Oklahoma's initial disclosure requirement for a calculation of damages even more significant in cases where a pleading without specific claims damages exceeding \$250,000.00. Practically, if the damage calculation proves that a plaintiff cannot recover damages greater than \$250,000.00, then defendants, presumably, could ask the court to transfer the action to the expedited docket.

Clearly, SB 453 is meant to offer speedy resolution of certain civil actions. Less clear is whether the current provisions of the Act contain enough meat to prevent crafty pleading or motion practice from stripping it of effect.

[1] Though not discussed here, the Bill also amends 12 O.S. § 2702, creating an Oklahoma standard of expert testimony that mirrors the federal standard and reintroduces a non-economic damage cap for bodily injury claims to be codified at 23 O.S. § 61.3.

Attorneys

- Lauren M. Marciano