

1 **Rule 30. Depositions upon oral questions.**

2 (a) **When depositions may be taken; when leave required.** A party may depose a
3 party or witness by oral questions. A witness may not be deposed more than once in
4 standard discovery. An expert who has prepared a report disclosed under Rule
5 26(a)(3)(B) may not be deposed.

6 (b) **Notice of deposition; general requirements; special notice; non-**
7 **stenographic recording; production of documents and things; deposition of**
8 **organization; deposition by telephone.**

9 (b)(1) The party deposing a witness shall give reasonable notice in writing to every
10 other party. The notice shall state the date, time and place for the deposition and the
11 name and address of each witness. If the name of a witness is not known, the notice
12 shall describe the witness sufficiently to identify the person or state the class or group to
13 which the person belongs. The notice shall designate any documents and tangible
14 things to be produced by a witness. The notice shall designate the officer who will
15 conduct the deposition.

16 (b)(2) The notice shall designate the method by which the deposition will be
17 recorded. With prior notice to the officer, witness and other parties, any party may
18 designate a recording method in addition to the method designated in the notice.
19 Depositions may be recorded by sound, sound-and-visual, or stenographic means, and
20 the party designating the recording method shall bear the cost of the recording. The
21 appearance or demeanor of witnesses or attorneys shall not be distorted through
22 recording techniques.

23 (b)(3) A deposition shall be conducted before an officer appointed or designated
24 under Rule 28 and shall begin with a statement on the record by the officer that includes
25 (A) the officer's name and business address; (B) the date, time and place of the
26 deposition; (C) the name of the witness; (D) the administration of the oath or affirmation
27 to the witness; and (E) an identification of all persons present. If the deposition is
28 recorded other than stenographically, the officer shall repeat items (A) through (C) at
29 the beginning of each unit of the recording medium. At the end of the deposition, the
30 officer shall state on the record that the deposition is complete and shall state any
31 stipulations.

32 (b)(4) The notice to a party witness may be accompanied by a request under Rule
33 34 for the production of documents and tangible things at the deposition. The procedure
34 of Rule 34 shall apply to the request. The attendance of a nonparty witness may be
35 compelled by subpoena under Rule 45. Documents and tangible things to be produced
36 shall be stated in the subpoena.

37 (b)(5) A deposition may be taken by remote electronic means. A deposition taken by
38 remote electronic means is considered to be taken at the place where the witness is
39 located.

40 (b)(6) A party may name as the witness a corporation, a partnership, an association,
41 or a governmental agency, describe with reasonable particularity the matters on which
42 questioning is requested, and direct the organization to designate one or more officers,
43 directors, managing agents, or other persons to testify on its behalf. The organization
44 shall state, for each person designated, the matters on which the person will testify. A
45 subpoena shall advise a nonparty organization of its duty to make such a designation.
46 The person so designated shall testify as to matters known or reasonably available to
47 the organization.

48 (c) **Examination and cross-examination; objections.**

49 (c)(1) Questioning of witnesses may proceed as permitted at the trial under the Utah
50 Rules of Evidence, except Rules 103 and 615.

51 (c)(2) All objections shall be recorded, but the questioning shall proceed, and the
52 testimony taken subject to the objections. Any objection shall be stated concisely and in
53 a non-argumentative and non-suggestive manner. A person may instruct a witness not
54 to answer only to preserve a privilege, to enforce a limitation on evidence directed by
55 the court, or to present a motion for a protective order under Rule 37. Upon demand of
56 the objecting party or witness, the deposition shall be suspended for the time necessary
57 to make a motion. The party taking the deposition may complete or adjourn the
58 deposition before moving for an order to compel discovery under Rule 37.

59 (d) **Limits.** During standard discovery, oral questioning of a nonparty shall not
60 exceed four hours, and oral questioning of a party shall not exceed seven hours.

61 (e) **Submission to witness; changes; signing.** Within 28 days after being notified
62 by the officer that the transcript or recording is available, a witness may sign a

63 statement of changes to the form or substance of the transcript or recording and the
64 reasons for the changes. The officer shall append any changes timely made by the
65 witness.

66 **(f) Record of deposition; certification and delivery by officer; exhibits; copies.**

67 (f)(1) The officer shall record the deposition or direct another person present to
68 record the deposition. The officer shall sign a certificate, to accompany the record, that
69 the witness was under oath or affirmation and that the record is a true record of the
70 deposition. The officer shall keep a copy of the record. The officer shall securely seal
71 the record endorsed with the title of the action and marked "Deposition of (name). Do
72 not open." and shall promptly send the sealed record to the attorney or the party who
73 designated the recording method. An attorney or party receiving the record shall store it
74 under conditions that will protect it against loss, destruction, tampering, or deterioration.

75 (f)(2) Every party may inspect and copy documents and things produced for
76 inspection and must have a fair opportunity to compare copies and originals. Upon the
77 request of a party, documents and things produced for inspection shall be marked for
78 identification and added to the record. If the witness wants to retain the originals, that
79 person shall offer the originals to be copied, marked for identification and added to the
80 record.

81 (f)(3) Upon payment of reasonable charges, the officer shall furnish a copy of the
82 record to any party or to the witness. An official transcript of a recording made by non-
83 stenographic means shall be prepared under Utah Rule of Appellate Procedure 11(e).

84 **(g) Failure to attend or to serve subpoena; expenses.** If the party giving the
85 notice of a deposition fails to attend or fails to serve a subpoena upon a witness who
86 fails to attend, and another party attends in person or by attorney, the court may order
87 the party giving the notice to pay to the other party the reasonable costs, expenses and
88 attorney fees incurred.

89 **(h) Deposition in action pending in another state.** Any party to an action in
90 another state may take the deposition of any person within this state in the same
91 manner and subject to the same conditions and limitations as if such action were
92 pending in this state. Notice of the deposition shall be filed with the clerk of the court of
93 the county in which the person whose deposition is to be taken resides or is to be

94 served. Matters required to be submitted to the court shall be submitted to the court in
95 the county where the deposition is being taken.

96 (i) **Stipulations regarding deposition procedures.** The parties may by written
97 stipulation provide that depositions may be taken before any person, at any time or
98 place, upon any notice, and in any manner and when so taken may be used like other
99 depositions.

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