

1 **Rule 31. Depositions upon written questions.**

2 (a) ~~A party may depose a party or witness by written~~Serving questions. Rules 30 and
3 45 apply to depositions; ~~notice.~~

4 ~~(a)(1) A party may take the testimony of any person, including a party, by deposition~~
5 ~~upon written questions, without leave of court~~ except insofar as provided in paragraph
6 ~~(2). The attendance of witnesses may be compelled by their nature they are clearly~~
7 inapplicable~~the use of subpoena as provided in Rule 45.~~

8 ~~(b)(2) A party taking a deposition using~~must obtain leave of court, which shall be
9 granted to the extent consistent with the principles stated in Rule 26(b)(2), if the person
10 to be examined is confined in prison or if, without the written stipulation of the parties,

11 ~~(a)(2)(A) a proposed deposition would result in more than ten depositions being~~
12 ~~taken under this rule or Rule 30 by the plaintiffs, or by the defendants, or by third-party~~
13 ~~defendants;~~

14 ~~(a)(2)(B) the person to be examined has already been deposed in the case; or~~

15 ~~(a)(2)(C) a party seeks to take a deposition before the time specified in Rule 26(d).~~

16 ~~(a)(3) A party desiring to take a deposition upon~~ written questions shall serve on the
17 parties~~them upon every other party with~~ a notice which includes~~stating~~ (1) the name or
18 description and address of the deponent~~person who is to answer them, if known, and if~~
19 ~~the name is not known, a general description sufficient to identify him or the particular~~
20 ~~class or group to which he belongs, and (2) the name or descriptive title and address of~~
21 the officer before whom the deposition will~~is to be taken, and the.~~ A deposition upon
22 written questions to be asked~~may be taken of a public or private corporation or a~~
23 ~~partnership or association or governmental agency in accordance with the provisions of~~
24 Rule 30(b)(6).

25 ~~(c)(4) Within 14 days after the notice and written~~ questions are served, a party may
26 serve cross questions ~~upon all other parties~~. Within 7 days after being served with cross
27 questions, a party may serve redirect questions ~~upon all other parties~~. Within 7 days
28 after being served with redirect questions, a party may serve re-cross~~reecross~~ questions.
29 ~~upon all other parties. The court may for cause shown enlarge or shorten the time.~~

30 ~~(d)(b) Officer to take responses and prepare record.~~ A copy of the notice and copies
31 of all questions served shall be delivered by the party taking the deposition to the officer

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32 designated officer in the notice, who shall proceed promptly, ~~in the manner provided by~~
33 ~~Rule 30(c), (e), and (f), attaching to ask the deposition the copy of the notice and the~~
34 questions and prepare a record of the responses received.

35 (e) During standard discovery, a deposition by written questioning shall not
36 cumulatively exceed 15 questions, including discrete subparts, by the plaintiffs
37 collectively, by the defendants collectively or by third-party defendants collectively.

38 Advisory Committee Notes

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