

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

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

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

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

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

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

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

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

32          (b)(6) A party may name as the witness a corporation, a partnership, an association, or a  
33      governmental agency, describe with reasonable particularity the matters on which questioning is  
34      requested, and direct the organization to designate one or more officers, directors, managing agents,  
35      or other persons to testify on its behalf. The organization shall state, for each person designated, the  
36      matters on which the person will testify. A subpoena shall advise a nonparty organization of its duty to

37 make such a designation. The person so designated shall testify as to matters known or reasonably  
38 available to the organization.

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

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

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

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

51 **(e) Submission to witness; changes; signing.** Within 28 days after being notified by the officer that  
52 the transcript or recording is available, a witness may sign a statement of changes to the form or  
53 substance of the transcript or recording and the reasons for the changes. The officer shall append any  
54 changes timely made by the witness.

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

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

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

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

71 **(g) Failure to attend or to serve subpoena; expenses.** If the party giving the notice of a deposition  
72 fails to attend or fails to serve a subpoena upon a witness who fails to attend, and another party attends

73 in person or by attorney, the court may order the party giving the notice to pay to the other party the  
74 reasonable costs, expenses and attorney fees incurred.

75 **(h) Deposition in action pending in another state.** Any party to an action in another state may take  
76 the deposition of any person within this state in the same manner and subject to the same conditions and  
77 limitations as if such action were pending in this state. Notice of the deposition shall be filed with the clerk  
78 of the court of the county in which the person whose deposition is to be taken resides or is to be served.  
79 Matters required to be submitted to the court shall be submitted to the court in the county where the  
80 deposition is being taken.

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

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