

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

2 (a) ~~Serving questions; notice.~~

3 ~~(a)(1) A party may take the testimony of any person, including~~depose a party, or  
4 witness by ~~deposition~~written questions. Rules 30 and 45 apply to depositions upon  
5 written questions ~~without leave of court~~, except insofar as provided in paragraph (2).  
6 ~~The attendance of witnesses may be compelled by the use of subpoena as provided in~~  
7 ~~Rule 45~~their nature they are clearly inapplicable.

8 ~~(a)(2b) A party must obtain leave of court, which shall be granted to the extent~~  
9 ~~consistent with the principles stated in Rule 26(b)(2), if the person to be examined is~~  
10 ~~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~~taking a deposition using written  
17 questions shall serve ~~them upon every other party with~~on the parties a notice stating  
18 ~~(1) which includes~~ the name or description and address of the ~~person who is to answer~~  
19 ~~them, if known, and if the name is not known, a general description sufficient to identify~~  
20 ~~him or the particular class or group to which he belongs, and (2) deponent~~, the name or  
21 descriptive title ~~and address~~ of the officer before whom the deposition ~~is to~~will be taken.  
22 ~~A deposition upon written, and the~~ questions ~~may be taken of a public or private~~  
23 ~~corporation or a partnership or association or governmental agency in accordance with~~  
24 ~~the provisions of Rule 30(b)(6), to be asked.~~

25 ~~(a)(4c) 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~~re-cross~~ questions  
29 ~~upon all other parties. The court may for cause shown enlarge or shorten the time.~~

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

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

35 Advisory Committee Notes

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

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