

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-stenographic  
7 recording; production of documents and things; deposition of organization; deposition by  
8 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  
39 answers questions.

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 (c) Examination and cross-examination; objections.

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

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

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

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

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

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

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

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

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

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

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

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