

Rule 30. Depositions upon oral questions.

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

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

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

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

~~(b)~~(3) A deposition ~~shall~~[must](#) be conducted before an officer appointed or designated under [Rule 28](#) and ~~shall~~[must](#) begin with a statement on the record by the officer that includes (A) the officer's name and business address; (B) the date, time, and place of the deposition; (C) the name of the witness; (D) the administration of the oath or affirmation to the witness; and (E) an identification of all persons present. If the deposition is recorded other than stenographically, the officer ~~must~~[shall](#) repeat items

(A) through (C) at the beginning of each unit of the recording medium. At the end of the deposition, the officer ~~shall~~must state on the record that the deposition is complete and ~~shall~~ state any stipulations.

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

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

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

(A) Within 14 days of being served with a notice or subpoena, the noticed organization may serve a written objection.

(B) Prior to the deposition, the serving party and the organization must confer in good faith about the matters for examination regarding any objections, or those objections are waived.

(C) If timely objections are not resolved prior to the deposition, any party may seek resolution from the court in accordance with Rule 37, or if the notice seeks a deposition of a non-party organization, the non-party organization may seek

resolution in accordance with Rule 45. The deposition may proceed only on the matters to which there has been no objection.

(c) Examination and cross-examination; objections during questioning.

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

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

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

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

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

~~(f)~~(1) The officer ~~shall~~must record the deposition or direct another person present to record the deposition. The officer ~~shall~~must sign a certificate, to accompany the record, that the witness was under oath or affirmation and that the record is a true record of the deposition. The officer ~~shall~~must keep a copy of the record. The officer ~~shall~~must securely seal the record endorsed with the title of the action and marked "-Deposition of (name). Do not open." and ~~shall~~must promptly send the sealed

83 record to the attorney or the party who designated the recording method. An attorney
84 or party receiving the record ~~shall~~must store it under conditions that will protect it
85 against loss, destruction, tampering, or deterioration.

86 ~~(f)~~(2) Every party may inspect and copy documents and things produced for
87 inspection and must have a fair opportunity to compare copies and originals. Upon
88 the request of a party, documents and things produced for inspection ~~shall~~must be
89 marked for identification and added to the record. If the witness wants to retain the
90 originals, that person ~~shall~~must offer the originals to be copied, marked for
91 identification and added to the record.

92 ~~(f)~~(3) Upon payment of reasonable charges, the officer ~~shall~~must furnish a copy of the
93 record to any party or to the witness.

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

99 **(h) Deposition in action pending in another state.** Any party to an action in another state
100 may take the deposition of any person within this state in the same manner and subject
101 to the same conditions and limitations as if such action were pending in this state. Notice
102 of the deposition ~~shall~~must be filed with the ~~clerk of the court~~ clerk of the county in
103 which the person whose deposition is to be taken resides or is to be served. Matters
104 required to be submitted to the court ~~shall~~must be submitted to the court in the county
105 where the deposition is being taken.

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