

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

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

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

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

16 ~~(b)~~(2) The notice ~~shall~~[must](#) 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,
20 and the party designating the recording method shall bear the cost of the recording.
21 The appearance or demeanor of witnesses or attorneys ~~shall~~[must](#) not be distorted
22 through recording techniques.

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

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

32 ~~(b)~~(4) The notice to a party witness may be accompanied by a request under
33 Rule 34 for the production of documents and tangible things at the deposition. The
34 procedure of Rule 34 ~~shall~~~~will~~ apply to the request. The attendance of a nonparty
35 witness may be compelled by subpoena under Rule 45. Documents and tangible
36 things to be produced ~~shall~~~~must~~ 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 is
39 located.

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
42 which questioning is requested, and direct the organization to designate one or
43 more officers, directors, managing agents, or other persons to testify on its behalf.
44 The organization ~~shall~~~~must~~ state, for each person designated, the matters on which
45 the person will testify. A subpoena ~~shall~~~~must~~ advise a nonparty organization of its
46 duty to make such a designation. The person so designated ~~shall~~~~must~~ testify as to
47 matters known or reasonably available to the organization.

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

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

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

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

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

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

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

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

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

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

77 ~~(f)~~(1) The officer ~~shall~~must record the deposition or direct another person present to
78 record the deposition. The officer ~~shall~~must sign a certificate, to accompany the
79 record, that the witness was under oath or affirmation and that the record is a true
80 record of the deposition. The officer ~~shall~~must keep a copy of the record. The officer
81 ~~shall~~must securely seal the record endorsed with the title of the action and marked
82 "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
84 attorney or party receiving the record ~~shall~~must store it under conditions that will
85 protect it 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
93 the 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
97 giving the notice to pay to the other party the reasonable costs, expenses, and attorney
98 fees incurred.

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

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