

Rule 210. Depositions on Written Questions

(a) Serving Questions; Notice. A party desiring to take the deposition of any person upon written questions shall serve them upon the other parties with a notice stating the name and address of the person who is to answer them if known, or, if the name is not known, a general description sufficient to identify the deponent, and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 14 days thereafter a party so served may likewise serve cross-questions. Within 7 days after being served with cross-questions a party may likewise serve redirect questions. Within 7 days after being served with redirect questions, a party may likewise serve re-cross-questions.

(b) Officer to Take Responses and Prepare Record. The party at whose instance the deposition is taken shall transmit a copy of the notice and copies of the initial and subsequent questions served to the officer designated in the notice, who shall proceed promptly, in the manner provided by Rules 206(f) and 207, to take the testimony of the deponent in response to the questions and to prepare, certify, and serve the deposition on the parties, attaching thereto the copy of the notice and the questions received by the officer. No party, attorney, or person interested in the event of the action (unless he is the deponent) shall be present during the taking of the deposition or dictate, write, or draw up any answer to the questions.

(c) Notice of Filing. Depositions shall not be filed with the clerk of the court as a matter of course. The party filing a deposition shall promptly serve notice thereof on the other parties and shall file the deposition and any exhibits in the form and manner specified by local rule.

Amended effective January 12, 1967; amended October 17, 2006, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

Paragraph (a)

Paragraph (a) of this rule is derived from former Rule 19-7(1). The language is unchanged except that the phrase, “if known, or, if the name is not known, a general description sufficient to identify him,” has been inserted to make the requirements for notices to take depositions upon written questions and upon oral examination the same. See Rule 206(a).

Paragraphs (b) and (c)

Paragraphs (b) and (c) are derived from former Rules 19-7(2) and (3), respectively. There are no changes of substance.