

1 **NRCP 31 – Proposed**
2 **(Adopt FRCP 31)**

3
4 **Rule 31. Depositions by Written Questions**

5 **(a) When a Deposition May Be Taken.**

6 (1) **Without Leave.** A party may, by written questions, depose any
7 person, including a party, without leave of court except as provided in Rule 31(a)(2).
8 The deponent's attendance may be compelled by subpoena under Rule 45.

9 (2) **With Leave.** A party must obtain leave of court, and the court must
10 grant leave to the extent consistent with Rule 26(b)(2):

11 (A) if the parties have not stipulated to the deposition and:

12 (i) the deposition would result in more than 10 depositions
13 being taken under this rule or Rule 30 by the plaintiffs, or by the defendants, or by
14 the third-party defendants;

15 (ii) the deponent has already been deposed in the case; or

16 (iii) the party seeks to take a deposition before the time
17 specified in Rule 26(d); or

18 (B) if the deponent is confined in prison.

19 (3) **Service; Required Notice.** A party who wants to depose a person
20 by written questions must serve them on every other party, with a notice stating, if
21 known, the deponent's name and address. If the name is unknown, the notice must
22 provide a general description sufficient to identify the person or the particular class
23 or group to which the person belongs. The notice must also state the name or

1 descriptive title and the address of the officer before whom the deposition will be
2 taken.

3 (4) **Questions Directed to an Organization.** A public or private
4 corporation, a partnership, an association, or a governmental agency may be deposed
5 by written questions in accordance with Rule 30(b)(6).

6 (5) **Questions from Other Parties.** Any questions to the deponent
7 from other parties must be served on all parties as follows: cross-questions, within
8 14 days after being served with the notice and direct questions; redirect questions,
9 within 7 days after being served with cross-questions; and recross-questions, within
10 7 days after being served with redirect questions. The court may, for good cause,
11 extend or shorten these times.

12 (b) **Delivery to the Officer; Officer's Duties.** The party who noticed the
13 deposition must deliver to the officer a copy of all the questions served and of the
14 notice. The officer must promptly proceed in the manner provided in Rule 30(c), (e),
15 and (f) to:

- 16 (1) take the deponent's testimony in response to the questions;
17 (2) prepare and certify the deposition; and
18 (3) send it to the party, attaching a copy of the questions and of the
19 notice.

20 (c) **Notice of Completion or Filing.**

21 (1) **Completion.** The party who noticed the deposition must notify all
22 other parties when it is completed.

23 (2) **Filing.** A party who files the deposition must promptly notify all
24 other parties of the filing.

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ADVISORY COMMITTEE NOTE—2018 AMENDMENT

Rule 31 is conformed to FRCP 31.