

# Deposition Protocol Stipulation

IT IS HEREBY STIPULATED AND AGREED by and between the parties to this proceeding, by and through their respective counsel, that the following Rules for Deposition Protocol shall be applicable to the above-captioned proceeding. It is understood and agreed that a copy of this Stipulation and the proposed Order shall be submitted to the Court for entry of the Order for Deposition Protocol.

## **DEPOSITION PROTOCOL**

- (1) Depositions shall be conducted in compliance with the Federal Rules of Civil Procedure.
- (2) During all depositions, counsel shall adhere strictly to Rule 30(d)(1) and (3), Federal Rules of Civil Procedure. No objections may be made, except those that would be waived if not made under Fed.R.Civ.P. 32(d)(3)(B) (errors and irregularities) and those necessary to assert a privilege, to enforce a limitation on evidence directed by the court, or to present a Fed.R.Civ.P. 30(d) motion (to terminate bad-faith deposition). Objections to form shall be stated “objections as to form.” Any further explanation is inappropriate and prohibited. There shall be no speaking objections. An objection made by one party preserves the objection for all other parties. Substantive objections are preserved by Rule 32(d)(3)(A) and are, therefore, unnecessary.
- (3) Neither a deponent nor counsel for a deponent may interrupt a deposition when a question is pending or a document is being reviewed except as permitted in Rule 30(d)(1).
- (4) A party may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation on evidence directed by the court, or to present a motion under Fed.R.Civ.P. 30(d)(3). Whenever counsel instructs a witness not to answer a

question, he or she shall state on the record the specific reason for such an instruction, the specific question, part of a question, or manner of asking the question upon which counsel is basing the instruction to answer the question.

(5) A business entity responding to a Fed.R.Civ.P. 30(b)(6) notice of taking deposition shall fully comply with its duties under Rule 30(b)(6) to designate proper individuals for the deposition and to ensure that the designated individuals are properly prepared to testify regarding the categories designated in the deposition notice. The deponent organization must immediately provide a substitute knowledgeable witness if and when it becomes clear during the deposition that the testifying designee is deficient in responding to the questions within the scope of the matters for which he/she has been designated. Any question that could reasonably be expected to produce relevant facts is permissible, including those outside the scope of inquiry designated in the Rule 30(b)(6) deposition notice. Corporate designation of a witness for a Rule 30(b)(6) does not prevent a non-Rule 30(b)(6) deposition of the same witness.

(6) Any depositions may be videotaped, in addition to being recorded stenographically.

**ORDER**

Based upon the Stipulation of the parties and the Court being fully advised, IT IS  
HEREBY ORDERED:

With respect to all depositions in the above-captioned matter, the Parties will adhere to the following Rules of Deposition Protocol:

(1) Depositions shall be conducted in compliance with the Federal Rules of Civil Procedure.

(2) During all depositions counsel shall adhere strictly to Rule 30(d)(1) and (3), Federal

Rules of Civil Procedure. No objections may be made, except those that would be waived

if not made under Fed.R.Civ.P. 32(d)(3)(B) (errors and irregularities) and those necessary to assert a privilege, to enforce a limitation on evidence directed by the court, or to present a Fed.R.Civ.P. 30(d) motion (to terminate bad-faith deposition). Objections to form shall be stated “objections as to form”. Any further explanation is inappropriate and prohibited. There shall be no speaking objections. An objection made by one party preserves the objection for all other parties. Substantive objections are preserved by Rule 32(d)(3)(A) and are, therefore, unnecessary.

- (3) Neither a deponent nor counsel for a deponent may interrupt a deposition when a question is pending or a document is being reviewed except as permitted in Rule 30(d)(1).
- (4) A party may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation on evidence directed by the court, or to present a motion under Fed.R.Civ.P. 30(d)(3). Whenever counsel instructs a witness not to answer a question, he or she shall state on the record the specific reason for such an instruction, the specific question, part of a question, or manner of asking the question upon which counsel is basing the instruction to answer the question.
- (5) A business entity responding to a Fed.R.Civ.P. 30(b)(6) notice of taking deposition shall fully comply with its duties under Rule 30(b)(6) to designate proper individuals for the deposition and to ensure that the designated individuals are properly prepared to testify regarding the categories designated in the deposition notice. The deponent organization must immediately provide a substitute knowledgeable witness if and when it becomes clear during the deposition that the testifying designee is deficient in responding to the questions within the scope of the matters for which he/she has been designated. Any question that could reasonably be expected to produce relevant facts is permissible,

including those outside the scope of inquiry designated in the Rule 30(b)(6) deposition notice. Corporate designation of a witness for a Rule 30(b)(6) does not prevent a non-Rule 30(b)(6) deposition of the same witness.

(6) Any depositions may be videotaped, in addition to being recorded stenographically.