

ATTACHMENT¹

RULES OF CIVIL PROCEDURE

Rule 30. Depositions by Oral Examination

(a) [No change]

(b) Notice of a Deposition; Method of Recording; Deposition by Remote Means; Deposition of an Entity; Other Formal Requirements.

(1)–(2) [No change]

(3) *Method of Recording.*

(A) [No change]

(B) Method Stated in the Notice. The party who notices the deposition must state in the notice the method for recording the testimony. If the deposition will be recorded by audiovisual means, the notice must state the method and manner of audiovisual recording and the person or company that will conduct such recording. Unless the parties agree or the court orders otherwise, the noticing party bears the recording costs.

(C) [No change]

~~(D) Notice of Recording by Audiovisual Means. Any notice of recording the testimony by audiovisual means must identify the placement of the camera(s).~~

(E) Transcription. Any party may request that the testimony be transcribed. If the testimony is transcribed, the party who originally noticed the deposition is responsible for the cost of the original transcript. Any other party may, at its expense, arrange to receive a certified copy of the transcript.

(4) [No change]

(5) *Officer's Duties.*

(A) [No change]

(B) Conducting the Deposition; Avoiding Distortion. If the deposition is recorded by audio or audiovisual means, the officer must repeat the items in Rule 30(b)(5)(A)(i) through (iii) at the beginning of each unit of the recording medium. The deponent's and attorneys' appearance, voice, and demeanor must not be distorted through recording techniques or later editing. The camera should squarely face the witness and avoid depicting other persons.

¹ Additions to the text are shown by underscoring and deletions of text are shown by ~~strikethrough~~.

- (C) [No change]
- (6) [No change]
- (c)–(g) [No change]

* * *

Rule 32. Using Depositions in Court Proceedings

- (a) [No change]

(b) Objections to Admissibility. Subject to Rules 28(b) and (c), and 32(d)(3 ~~4~~), an objection may be made at a hearing or trial to the admission of any deposition testimony that would be inadmissible if the witness were present and testifying.

- (c) [No change]

(d) Preservation and Waiver of Objections.

- (1)–(2) [No change]

(3) To the Method of Recording Deposition. The failure to designate an alternate method of recording pursuant to Rule 30(b)(3) does not waive any party’s right to object to the admissibility or use of any recording made by any designated method.

- ~~(34)~~ *To the Taking of the Deposition.*

- (A)–(C) [No change]

~~(45)~~ *To the Officer's Completion and Return of Deposition.* A party objecting to how the officer (A) transcribed the testimony, or (B) prepared, signed, certified, sealed, endorsed, delivered, or otherwise dealt with the deposition, must file a motion to suppress promptly after the error or irregularity becomes known or, with reasonable diligence, could have been known.