



**DEPOSING THE  
VENTRILOQUIST'S  
DUMMY**

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# **DCR DEPOSITIONS**

## **DEPOSITIONS OF CORPORATE REPRESENTATIVES**

### **SECONDARY RESOURCES**

- [pgold@agtriallaw.com](mailto:pgold@agtriallaw.com);
- Kosieradzki, **30(b)(6), Deposing Corporations, Organizations & Government** (Trial Guides, 2016);
- Wise and Wooten, ***The Practitioner's Guide To Properly Taking and Defending Depositions Under the Texas Discovery Rules***, Baylor L. R., 68:402 (2016)

**EXCELLENT OVERVIEW**

***QBE Ins. Corp. V. Jorda  
Enterprises, Inc.,***

**277 F.R.D. 676  
(S.D. Fla. 2012)**

**FED. R. CIV. P. 30(b)(6)**

## **BREAKDOWN OF RULE**

- ❖ Applies to all types of entities, parties and non-parties;
- ❖ **Activated by serving topics with reasonable particularity. Must be tailored to claims and defenses;**
- ❖ Entity chooses representative, but must educate representative on composite knowledge of corporation; what is known or knowable by corporation
- ❖ **Representative may be separately deposed as a fact witness.**

### **Federal rule informs Texas rule (199.2(b))**

To be sure, there are differences in language between the Texas rule and the federal rule. But as we affirmed in *In re Weekley Homes*, “our rules as written are not inconsistent with the federal rules or the case law interpreting them,” even though they may not “mirror the federal language.”<sup>71</sup>

***In re State Farm Lloyds,***

520 S.W.3d 595, 613

(Tex. 2017)

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Title search: **Deposing the Ventriloquist's Dummy**

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[2018 Winning at Deposition eConference](#)

First appeared as part of the conference materials for the  
2018 Winning at Deposition: Skills and Strategy session  
"Taking the Deposition of a Corporate Representative"