



**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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[Taking the Deposition of a Corporate Representative or Expert](#)

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"Taking the Deposition of a Corporate Representative"