



**DEPOSING THE
VENTRILOQUIST'S
DUMMY**

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DCR DEPOSITIONS

DEPOSITIONS OF CORPORATE REPRESENTATIVES

SECONDARY RESOURCES

- 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.”⁷¹

In re State Farm Lloyds,

520 S.W.3d 595, 613

(Tex. 2017)

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2018 Winning at Deposition: Skills and Strategy session
"Taking the Deposition of a Corporate Representative"