

Rule 7030-1

DEPOSITIONS UPON ORAL EXAMINATION

(a) **Notice.** Unless the Court orders otherwise, depositions upon oral examination of any person may be noticed on no less than 14-days' notice in writing to every other party to the contested matter or adversary proceeding and to the deponent.

(b) **Location.** For the guidance of counsel in preparing or opposing contemplated motions for protective order under Fed. R. Bankr. P. 7026 that relates to the place of taking a party litigant's deposition or the deposition of the managing agent of a party, the Court's general policy is

(i) a non-resident plaintiff or moving party may reasonably be deposed at least once in this District during the discovery stages of the case; and

(ii) a non-resident defendant or respondent who intends to be present in person at trial may reasonably be deposed at least once in this District either during the discovery stages of the case or within a week prior to trial as the parties agree or the Court deems appropriate.

A non-resident, within the meaning of this rule, is a person residing outside the Middle District of Florida.

Notes of Advisory Committee

2016 Amendment

Section (b) incorporates former section (c) of Local Rule 7026-1 Discovery – General regarding the location of depositions of non-resident parties. The definition of “non-resident” has been changed from “a person residing outside the State of Florida” to “a person residing outside the Middle District of Florida.” Other amendments to the rule are stylistic. This amended rule is effective July 1, 2016.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.15(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Paragraph (d) continues the policy of former Rule 2.14 that depositions be noticed on no less than ten days written notice.

Fed. R. Civ. P. 30(a)(2)(A) and Fed. R. Civ. P. 31(a)(2)(A) now limit to a total of ten the number of depositions upon oral examination and written questions unless the Court authorizes or the parties stipulate to a greater number. The Advisory Committee believes this to be the appropriate presumptive number of depositions in contested matters and adversary proceedings, and the Advisory Committee therefore has not proposed an amendment setting a different presumptive number.

These amendments were effective on February 15, 1995.