

Rule Change #2001(23)

THE COLORADO RULES OF CIVIL PROCEDURE
CHAPTER 4. DISCLOSURE AND DISCOVERY
RULE 30. DEPOSITIONS UPON ORAL EXAMINATION

The following Rule is Amended and Adopted November 15, 2001, effective January 1, 2002:

Rule 30. Depositions Upon Oral Examination

(a) [*** NO CHANGE]

(b) [*** NO CHANGE]

(c) [*** NO CHANGE]

(d) **Schedule and Duration; Motion to Terminate or Limit Examination.** (1) Any objection ~~to evidence~~ during a deposition shall be stated concisely and in a non-argumentative and non-suggestive manner. An instruction not to answer may be made during a deposition only when necessary to preserve a privilege, to enforce a limitation ~~on evidence~~ directed by the court, or to present a motion pursuant to subsection (d)(3) of this Rule.

(2) Unless otherwise authorized by the court or stipulated by the parties, a deposition is limited to one day of seven hours. By order, the court may limit the time permitted for the conduct of a deposition to less than seven hours, or ~~but~~ may allow additional time if needed for a fair examination of the deponent and consistent with C.R.C.P. 26(b)(2) ~~(1)~~, or if the deponent or another ~~party person impedes~~ or delays the examination, or if other circumstances warrant. If the court finds such an impediment, delay, or other conduct that frustrates the fair examination of the deponent, it may impose upon the person responsible therefor an appropriate sanction, including the reasonable costs and attorney fees incurred by any parties as a result thereof.

(3) At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the court in the district where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in C.R.C.P. 26(c).

If the order made terminates the examination, it ~~shall~~may be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. The provisions of C.R.C.P. 37(a)(4) apply to the award of expenses incurred in relation to the motion.

(e) [*** NO CHANGE]

(f) [*** NO CHANGE]

(g) [*** NO CHANGE]

Amended and Adopted by the Court, En Banc, November 15, 2001, effective January 1, 2002.

BY THE COURT:

**Gregory J. Hobbs, Jr.
Justice, Colorado Supreme Court**