

## **RULE 4:15. Depositions Upon Written Questions**

### **4:15-1. Serving Questions; Notice**

After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon written questions. The attendance of witnesses may be compelled by the use of subpoena as provided in R. 4:14-7. The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes. A party desiring to take a deposition upon written questions shall serve them upon every other party with a notice stating:

- **(a)** The name and address of the person who is to answer them, if known, and if the name is not known, a general description sufficient to identify that person or the particular class or group to which that person belongs; and
- **(b)** The name or descriptive title and address of the officer before whom the deposition is to be taken. A deposition upon written questions may be taken of a public or private corporation or a partnership or association or governmental agency in accordance with the provisions of R. 4:14-2(c).

Within 30 days after the notice and written questions are served, a party may serve cross questions upon all other parties. Within 10 days after being served with cross questions, a party may serve redirect questions upon all other parties. Within 10 days after being served with redirect questions, a party may serve recross questions upon all other parties. The court may for cause shown enlarge or shorten the time.

Note: Source-R.R. 4:21-1. Former rule deleted and new R. 4:15-1 adopted July 14, 1972 to be effective September 5, 1972; paragraph (a) amended July 13, 1994 to be effective September 1, 1994.

### **4:15-2. Officer to Take Responses and Prepare Record**

A copy of the notice and copies of all questions served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly in the manner provided by R. 4:14-3, 4:14-5 and 4:14-6 to take the testimony of the witness in response to the questions and to prepare, certify and file the deposition, attaching thereto the copy of the notice and the questions received by him.

Note: Source-R.R. 4:21-2. Amended July 14, 1972 to be effective September 5, 1972.

### **4:15-3. Orders for the Protection of Parties and Deponents and the Exclusion of Illegal Evidence [Deleted]**

Note: Source-R.R. 4:21-3. Deleted (see R. 4:10-3) July 14, 1972 to be effective September 5, 1972.