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## **Deposition Of The Corporate Representative**

The Corporate Representative's Deposition: Proper Preparation Prevents Poor Performance. September 30, 2019 by James O. Birr, III, Esq. As my high school baseball coach used to say, "proper preparation prevents poor performance.". The saying is equally applicable in preparing for any deposition. Litigation often involves depositions of witnesses, which can be fact witnesses, expert witnesses, as well as the parties' corporate representatives.

## **The Corporate Representative's**

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## **Deposition: Proper ...**

When taking the corporate representative's deposition, your main goal is to gain an understanding of and lock in the corporation's position on key facts and issues in the case. This information is often critical for building your case and preparing for trial.

## **Corporate Representative Deposition | Business Litigation**

In that case, the plaintiff's Rule 30(b)(6) notice listed 41 broad areas of inquiry. After the deposition, the plaintiff moved for sanctions and to compel a second corporate deposition, alleging that the corporate representative was not adequately prepared to testify. The Court denied the plaintiff's motion.

## **Adequately Preparing a Corporate Representative for Deposition**

The deposition of a corporate representative can be one of the most useful discovery tools available to litigators. Florida Rule of Civil Procedure

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1.310(b)(6) allows a litigant to depose a ?public or private corporation, a partnership or association, or a government agency.?

## **Practical considerations for deposing corporate ...**

To ensure that the representative understands the deposition's subject matter, the corporate representative has the duty to review all documents that might bear on the deposition topics and review information reasonably available, whether from documents, depositions, past employees, or other sources. 27 If the corporate representative answers a question by saying, "I don't know," this can mean two things. First, it can mean that the corporation, after inquiring into the matter, could ...

## **Deposing Nonhumans: Corporate Representative Depositions ...**

A corporate representative deposition is one in which the company names a person to testify on behalf of the

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company on a list of topics that opposing counsel has provided. The answers given by the representative are binding on the company at trial.

## **Corporate Representative Depositions in Texas: The Basics ...**

This CLE webinar will prepare personal injury trial lawyers to depose corporate representatives in accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure and its state law equivalents. The webinar will discuss best practices for meeting the 30(b)(6) notice requirements, effectively questioning the corporate representative, dealing with difficult representatives, and raising and ...

## **Taking 30(b)(6) Corporate Representative Depositions in ...**

The corporate representative may be an officer, director, manager, or someone with sufficient knowledge to answer in a deposition (whether hired for the purposes of the deposition or if the

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person is a former employee). If more than one deponent is required, these individuals should be identified and their areas of expertise should be explained.

## **A DEFENSE APPROACH TO THE 30(B)(6) DEPOSITION**

Depositions of corporate representatives in Florida. Share. Create PDF. |Thursday, September 28, 2017. Because a corporation is a legal fiction that must act through its employees, officers, and directors, eliciting testimony from a corporation can be tricky. Rule 1.310(b)(6) of the Florida Rules of Civil Procedure governs depositions of a “public or private corporation, a partnership or association, or a governmental agency” and is modeled after Rule 30(b)(6) of the Federal Rules of ...

## **Depositions of corporate representatives in Florida**

Admin and supply musts: The corporate representative deposition must be a

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videotape deposition! The notice must include a duces tecum request which is thorough and complete and strategically thought through in every respect!

## **SEVEN QUICK-HIT TIPS FOR DEPOSING CORPORATE ...**

In my opinion, one of the most powerful, yet underused, discovery devices around is the corporate representative deposition. This is because whomever is selected as the representative bonds the corporate entity with whatever their answers are. They are not testifying based solely upon their personal knowledge, but based upon all information known or available to the corporate entity.

## **How to Make Sure A Corporate Representative's Deposition ...**

In any action in which an officer's publicly traded company is a party, if a party issues a witness subpoena for the deposition of an officer prior to taking the deposition of a corporate

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representative pursuant to Supreme Court Rule 4:5(b)(6), and the officer, or company on the officer's behalf, files a motion for a protective order asserting that the discovery sought is obtainable from some other source that is more convenient, less burdensome, or less expensive, in order to defeat such ...

## **§ 8.01-420.4:1. Taking of depositions; corporate officers**

Pursuant to Rule 30 (b) (1), the depositions of corporations generally take place in the principal place of business of the corporation. Once in receipt of the Rule 30 (b) (6) notice, the corporate deponent must designate a representative to answer questions on the corporation's behalf and prepare that representative for the deposition.

## **Speak for Yourself: The 30(b)(6) Deposition**

Strictly speaking, when the corporate designee testifies during the deposition he or she speaks for the corporation, not



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for himself or herself individually. Thus, a corporate designee is not selected to explain his or her own personal knowledge or opinion of the matters at issue.

## **CORPORATE DESIGNEE DEPOSITIONS: A PRIMER FOR IN- HOUSE COUNSEL**

In preparing the corporate representative, it is important to be aware of the permissible scope of the 30 (b)(6) deposition. Generally, the scope of a Rule 30 (b)(6) deposition is as broad as Federal Rule 26 (b)(1) for the areas referenced in the notice. Thus, the corporate representative can be asked about

## **Corporate Representative Depositions: Selection and ...**

Frequently in real estate/premises liability litigation the plaintiff will allege the corporate entity holding title to the property in question is acting as the “alter ego” of an individual corporate

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representative, in an effort to hold the representative personally jointly and severally liable for any judgment against the corporation. This is commonly referred to as “piercing the ...

## **Defending Phony Alter Ego Allegations in Real Estate ...**

If the corporation is already named as a party to the litigation and has been served in the case, a corporate representative deposition may be taken “by simple notice and without the necessity of serving the official with a witness subpoena.” *Plantation-Simon Inc. v. Bahloul*, 596 So. 2d 1159, 1162 (Fla. 4th DCA 1992).

## **Depositions of corporate representatives in Florida ...**

A recent case went before Florida’s Second District Court of Appeal to decide who is allowed to choose the corporate representative in a deposition. Following is a synopsis of the case and the Second District’s decision. When suing an entity

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like a corporation, there are going to be questions for the corporation that need to be answered.

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