

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

v.



No. _____

COMMISSION TO TAKE DEPOSITION OUTSIDE ILLINOIS

To:

YOU ARE COMMISSIONED to take the _____
deposition of _____
whom you are authorized to bring before you at such time and place as you designate for examination upon _____.

The names of all parties are: (Plaintiff) _____

(Defendant) _____

The names of all attorneys are: (Plaintiff) _____

(Defendant) _____

The deposition is to be taken, certified and filed in accordance with the instructions on the back of this commission.

(See back of this form for Illinois Supreme Court Rules Applicable to the Taking of Depositions)

Atty. No. _____

(Seal of Court)

Name: _____

Atty. for: _____

Dated: _____, _____

Address: _____

City/State/Zip: _____

Telephone: _____

DOROTHY BROWN, Clerk of the Circuit Court

(See reverse side)

Illinois Supreme Court Rules Applicable to the Taking of Depositions

Rule 206. Method of Taking Depositions on Oral Examination

(f) *Record of Examination; Oath; Objections.* The officer before whom the *deposition* is to be taken shall put the witness on oath and shall personally, or by someone acting under the officer's direction and in his or her presence, record the testimony of the witness. The testimony shall be taken stenographically, by sound-recording device, by audio-visual recording device, or by any combination of all three. The testimony shall be transcribed at the request of any party. Objections made at the time of the examination to the qualifications of the officer taking the *deposition*, to the manner of taking it, to the evidence presented, or to the conduct of any person, and any other objection to the proceedings, shall be included in the *deposition*. Evidence objected to shall be taken subject to the objection. In lieu of participating in the oral examination, parties served with notice of taking a *deposition* may transmit written questions to the officer, who shall propound them to the witness and record the answers verbatim.

(g) *Videotaped Depositions.* Except as otherwise provided in this rule, the rules governing the practice, procedures and use of *depositions* shall apply to videotaped *depositions*.

(1) *Depositions* which are to be recorded on an audio-visual recording device shall begin by the operator of the device stating, on camera, (1) the operator's name and address, (2) the date, time and place of the *deposition*, (3) the caption of the case, (4) name of the witness, (5) the party on whose behalf the *deposition* is being taken, and (6) the party at whose instance the *deposition* is being recorded on an audio-visual recording device. The officer before whom the *deposition* is being taken shall identify himself or herself and swear the witness on camera. At the conclusion of the *deposition* the operator shall state on camera that the *deposition* is concluded. If the *deposition* requires the use of more than one videotape, the end of each videotape and beginning of each succeeding tape shall be announced on camera by the operator.

(2) The operator shall initially take custody of the videotape of the *deposition* and shall run through the videotape to determine the exact length of time of the *deposition*. The operator shall sign an affidavit stating the length of time of the *deposition* and shall certify that the videotape is a true record of the *deposition* and shall certify that the operator has not edited or otherwise altered the videotape. A *deposition* so certified requires no further proof of authenticity. If requested by any party at the conclusion of the taking of the *deposition*, the operator shall make a copy of the videotape and deliver it to the party requesting it at the cost of that party.

(3) A videotape of a *deposition* for purposes of discovery only shall be returned to the attorney for the party at whose instance the *deposition* was videotaped. Said attorney is responsible for the safeguarding of the videotape and shall permit the viewing of and shall provide a copy of the videotape upon the request and at the cost of any party. A videotape of a discovery *deposition* shall not be filed with the court except by leave of court for good cause shown.

(4) A videotape of a *deposition* for use in evidence shall be securely sealed by the operator, in an envelope bearing the title and number of the action, and marked "Deposition(s) of (here insert name(s) of deponent(s))," and promptly filed or sent by certified mail to the clerk of the court for filing. Upon payment of reasonable charges therefor, the operator shall furnish a copy of the videotape to any party or the deponent.

(5) The party at whose instance the videotape *deposition* is taken shall pay the charges of the videotape operator for attending and shall pay any charges for filing the videotape of an evidence *deposition*.

(6) The videotape of a *deposition* may be presented at trial in lieu of reading from the stenographic transcription of the *deposition*.

Rule 207. Signing and Filing Depositions

(a) *Submission to Deponent; Changes; Signing.* Unless signature is waived by the deponent, the officer shall instruct the deponent that if the testimony is transcribed the deponent will be afforded an opportunity to examine the deposition at the office of the officer or reporter, or elsewhere, by reasonable arrangement at the deponent's expense, and that corrections based on errors in reporting or transcription which the deponent desires to make will be entered upon the deposition with statement by the deponent that the reporter erred in reporting or transcribing the answer or answers involved. The deponent may not otherwise change either the form or substance of his or her answers. The deponent shall provide the officer with an address to which notice is to be sent when the transcript is available for examination and signing. When the deposition is fully transcribed, the officer shall mail to the deponent, at the address last supplied, notice that it is available and may be examined at a stated place at stated times, or pursuant to arrangement. After the deponent has examined the deposition, the officer shall enter upon it any changes the deponent desires to make, with the reasons the deponent gives for making them. If the deponent does not appear at the place specified in the notice within 28 days after the mailing of the notice, or within the same 28 days make other arrangements for examination of the deposition, or after examining the deposition refuses to sign it, or after it has been made available to the deponent by arrangement it remains unsigned for 28 days, the officer's certificate shall state the reason for the omission or the signature, including any reason given by the deponent for a refusal to sign. The deposition may then be used as fully as through signed, unless on a motion to suppress under Rule 211(d) the court holds that the reasons given by the deponent for a refusal to sign require rejection of the deposition in whole or in part.

(b) *Certification, Filing, and Notice of Filing.*

(1) If the testimony is transcribed, the officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the testimony given by the deponent. A deposition so certified requires no further proof of authenticity. At the request of any party, the officer shall then securely seal the deposition, together with all exhibits, or copies thereof, in an envelope bearing the title and number of the action and marked: "Deposition(s) of (here insert name(s) of deponent(s))" and promptly file it or send it by registered or certified mail to the clerk of the court for filing.

(2) The party causing a deposition to be filed shall promptly serve notice thereof on the other parties.

Rule 210. Depositions on Written Questions

(a) *Serving Questions; Notice.* A party desiring to take the deposition of any person upon written questions shall serve them upon the other parties with a notice stating the name and address of the person who is to answer them if known, or, if the name is not known, a general description sufficient to identify him, and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 14 days thereafter a party so served may likewise serve cross questions. Within 7 days after being served with cross questions a party may likewise serve redirect questions. Within 7 days after being served with redirect questions, a party may likewise serve recross questions.

(b) *Officer to Take Responses and Prepare Record.* The party at whose instance the deposition is taken shall transmit a copy of the notice and copies of the initial and subsequent questions served to the officer designated in the notice who shall proceed promptly, in the manner provided by rules 206(e) and 207, to take the testimony of the deponent in response to the questions and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and questions received by him. No party, attorney, or person interested in the event of the action (unless he is the deponent) shall be present during the taking of the deposition or dictate, write, or draw up any answer to the questions.

(c) *Notice of Filing.* The party causing a deposition to be filed shall promptly serve notice thereof on the other parties.