HOUSE DOCKET, NO. 2941 FILED ON: 1/18/2013

HOUSE . . . . . No. 1222

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An act to allow audiovisual depositions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	*3rd Plymouth*
Eugene L. O'Flaherty	*2nd Suffolk*
Jeffrey N. Roy	*10th Norfolk*
Claire D. Cronin	*11th Plymouth*

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HOUSE . . . . . No. 1222

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 1222) of Garrett J. Bradley and others relative to audiovisual judicial depositions. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An act to allow audiovisual depositions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Massachusetts Rule of Civil Procedure Rule 30 entitled Depositions Upon Oral Examination is hereby amended by striking part of the first sentence in section (b)4 which states, "By leave of court upon motion with notice and an opportunity to be heard in opposition, or by stipulation in writing of all parties, a party taking an oral deposition may have the testimony recorded by other than stenographic means as provided in Rule 30A", and inserting the following language:-

A party taking an oral deposition may have the testimony recorded by other than stenographic means as provided in Rule 30(A).

SECTION 2. Said Rule 30 is hereby further amended by deleting the following words from the next sentence: "The stipulation or order shall designate the person before whom the deposition shall be taken," and inserting in its place the following language:-

The parties by stipulation or an order of the Court may designate the person before whom the deposition shall be taken….

SECTION 3. Massachusetts Rule of Civil Procedure 30A entitled Audiovisual Depositions and Audiovisual Evidence is hereby amended by deleting the following language from section 30A(a) on line 1: "By leave of court upon motion with notice and an opportunity to be heard in opposition, or by stipulation of all parties, a", and inserting the word "Any".

SECTION 4. Said Rule 30(A) is further amended by striking the first sentence of Rule 30A(b) which states: " Except by leave of Court, granted after notice and opportunity to be heard

20 in opposition, a notice for the taking of an audio-visual deposition shall not be served sooner
21 than six (6)".

22 SECTION 5. Said Rule 30A is further amended by adding the following sentence at Rule
23 30(A)(l): "The party opting to record the deposition by audio-visual means shall bear the entire
24 cost of such recording."