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Comment regarding proposed change to FRCP 30(b)(6)

Thomas Sims

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From: Thomas Sims <tsims@baronbudd.com>

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Dear Members of the Advisory Committee on Civil Rules:

I am an attorney with the law firm of Baron & Budd, P.C., where I principally represent plaintiffs in complex litigation. Over the course of my 18-year career I have taken a number of depositions of corporate representatives pursuant to Fed. R. Civ. Proc. 30(b)(6). I have found that the rule in its current form is well drafted and serves its intended function.

If the Committee Members decide to make any changes to the rule, I believe the only change that is warranted is to confirm that a party may take more than one 30(b)(6) deposition. This is important because, based on my experience, it is very rare for one witness to be able to cover all of the topics that are set forth in a typical 30(b)(6) notice. To give just one example, I was involved in a case where we took a 30(b)(6) deposition regarding organizational structure and a second 30(b)(6) deposition regarding electronically stored information. Both of the depositions were taken early in the litigation and provided important insights that helped make the overall discovery process much more efficient. It was very clear that a single witness could not have covered both of these topics. For this reason, I do not believe the Committee should change Rule 30 to limit the number of corporate rep depositions. If any change is required, it is simply to confirm that multiple depositions may be taken by a party.

Thank you for the opportunity to provide this comment for the Committee's consideration.

Thomas Sims

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