

# 2005 SESSION

INTRODUCED

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## HOUSE BILL NO. 2654

Offered January 12, 2005

Prefiled January 12, 2005

A BILL to amend and reenact § 8.01-420.4 of the Code of Virginia, relating to taking of depositions.

Patron—Hurt

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-420.4 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-420.4. Taking of depositions.

~~Depositions~~A. *Party Depositions.* Deposition of a party and deposition of any witness designated under Rule 4:5(b)(6) to testify on behalf of a party, shall be taken in the county or city in which suit is pending, in an adjacent county or city or in the county or city of the Commonwealth of Virginia where a nonparty witness resides, is employed, or has his principal place of business, except that depositions may be taken at a place upon which the parties agree or at a place that the court in such suit may, for good cause, designate. If a nonparty witness is not a resident of the Commonwealth, his deposition may be taken in the locality where he resides or is employed, or at any other location agreed upon by the parties. Additionally, the Good cause may include the expense or inconvenience of a non-resident party defendant appearing in one of the locations specified above. The restrictions, as to parties within the Commonwealth, set forth in this section subsection shall not apply where no responsive pleading has been filed or an appearance otherwise made.

B. *Non-party Witness Depositions.* Unless otherwise provided by the law of the jurisdiction where a non-party witness resides, deposition of a non-party witness shall be taken in the county or city of the witness' residence, employment, or principal place of business or at a place upon which the witness and the parties to the litigation agree, or at a place that the court may for good cause designate.

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