

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-420.4 of the Code of Virginia, relating to taking of depositions.*

3 [H 2654]

4 Approved

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6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-420.4 of the Code of Virginia is amended and reenacted as follows:**

8 § 8.01-420.4. Taking of depositions.

9 *A. Party Depositions. A deposition of a party, or any witness designated under Rule 4:5(b)(6) to*  
10 *testify on behalf of a party, shall be taken in the county or city in which suit is pending, in an adjacent*  
11 *county or city or in the county or city of the Commonwealth of Virginia where a nonparty witness*  
12 *resides, is employed, or has his principal place of business, except that depositions may be taken, at a*  
13 *place upon which the parties agree, or at a place that the court in such suit may, for good cause,*  
14 *designate. If a nonparty witness is not a resident of the Commonwealth, his deposition may be taken in*  
15 *the locality where he resides or is employed, or at any other location agreed upon by the parties.*  
16 *Additionally, Good cause may include the expense or inconvenience of a non-resident party defendant*  
17 *appearing in one of the locations specified in this subsection. The restrictions, as to parties within the*  
18 *Commonwealth, set forth in this section subsection shall not apply where no responsive pleading has*  
19 *been filed or an appearance otherwise made.*20 *B. Non-party Witness Depositions. Unless otherwise provided by the law of the jurisdiction where a*  
21 *non-party witness resides, a deposition of a non-party witness shall be taken in the county or city where*  
22 *the non-party witness resides, is employed, or has his principal place of business; at a place upon*  
23 *which the witness and the parties to the litigation agree; or at a place that the court may, for good*  
24 *cause, designate.*

ENROLLED

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