

# 2005 SESSION

## HOUSE SUBSTITUTE

055509340

### HOUSE BILL NO. 2654

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on January 31, 2005)

(Patron Prior to Substitute—Delegate Hurt)

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

**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. A deposition of a party, or 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 in this subsection. 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, a deposition of a non-party witness shall be taken in the county or city where the non-party witness resides, is employed, or has his principal place of business; 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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