

Cherokee Nation Code Annotated

Title 20: Courts

Appendix I. Supreme Court Rules and Procedures

X. Witnesses

Rule 82. Pretrial discovery depositions

Cite as: 20 CNCA app. I, r. 82

A. After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon oral examination. Leave of Court is required only if a party seeks to take the deposition prior to the expiration of thirty (30) days after service of the petition upon the respondent.

B. The parties shall enter into a written stipulation to take the oral deposition of a witness or witnesses. In the event such written stipulation cannot be accomplished, the party desiring to take a witness' oral deposition shall give written notice of examination to all parties setting forth the date, time, and place and identification of any documents to be presented, not less than five (5) days prior to the date of the deposition.

C. The witnesses may be compelled to appear for deposition by subpoena, or, subpoena duces tecum if documents are required to be produced at the deposition.

D. The deposition shall be taken before a certified shorthand reporter (CSR) or a licensed shorthand reporter (LSR) licensed by the State of Oklahoma or as ordered by the Court.

E. The requesting party shall schedule the reporter identified in subsection (D) and shall all parties participating in the deposition a copy of the testimony.

F. A deposition upon oral examination shall not last more than six (6) hours and shall be taken only between the hours of 8:00 a.m. and 5:00 p.m. on a day other than Saturday, Sunday, or National Holiday recognized by Cherokee Nation unless ordered by the Court or by agreement.

G. A deposition may be recorded by non-stenographic means by persons licensed by the State of Oklahoma in addition to the stenographic recording, by agreement of the parties or by Court order. The requesting party shall furnish copies of all recordings to all other parties.

H. Any witness or party during the deposition determined to be testifying in bad faith by the Court shall be subject to sanctions by the Court including attorney fees and cost incurred by any of the parties as a result thereof.

I. The deposition recording may be reviewed by the witness before certification by the recording officer and within five (5) days of receiving a copy of such recording from the recording officer the witness may note requested changes to be accompanied with the certified recordings.

Historical Data

SC-AD-13-01, adopted March 27, 2013.