

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 731

Amending Civil Rule 5(d)
and 30(f) to provide for
the filing of depositions
only upon their use in
the proceedings.

IT IS ORDERED:

1. Civil Rule 5(d) is amended to provide:

(d) Filing.

(1) Except as provided in (2) of this paragraph, all papers after the complaint required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter.

(2) Unless filing is ordered by the court on motion of a party or on its own motion, the following may not be filed unless and until they are used in the proceedings:

(i) notices of taking depositions and transcripts of depositions;

(ii) interrogatories and requests for admissions and answers thereto;

(iii) requests for production and responses there-
to;

(iv) subpoenas, including subpoenas duces tecum;

(v) offers of judgment;

(vi) proof of service of any of the above;

(vii) copies of correspondence between counsel[.];

(viii) exhibits.

2. Civil Rule 30(f) is amended to provide:

(f) Certification and Filing by Officer; Exhibits; Copies; Notice of Filing.

(1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of [here insert name of witness]" and shall promptly [FILE IT WITH THE COURT IN WHICH THE ACTION IS PENDING OR SEND IT BY REGISTERED OR CERTIFIED MAIL TO THE CLERK THEREOF FOR FILING.] send it to the party requesting the deposition. If requested, the officer shall also send a copy of the deposition to the other party for the cost of postage and copying.

Documents and things produced for inspection during the examination of the witness, shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that (A) the person producing the materials may substitute copies to be marked for identification, if he affords to all parties fair opportunity to verify the copies by comparison with the originals, and (B) if the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to and returned with the deposition. Any party may move for an order that the original be annexed to and returned with the deposition to the court, pending final disposition of the case.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

DATED: July 24, 1986

EFFECTIVE DATE: December 15, 1986

Chief Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton

Justice Moore