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August 22, 2026

Carolyn A. Dubay, Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, DC 20544
RulesCommittee_Secretary@ao.uscourts.gov

Re: *Proposed Amendments to Fed. R. Civ. P. 30(b)(4)*

Dear Rules Committee:

Cohen Milstein¹ through its Rules Committee proposes an amendment to Fed. R. Civ. P. 30(b)(4) that would: (1) confirm the right of any party to take a remote deposition; and (2) require the noticing party to travel to the witness if the noticing party insists on an in-person deposition. These changes further the goal of Fed. R. Civ. P. 1 to ensure the “speedy, and inexpensive determination of every action and proceeding,” and update the rule to reflect current practice.

There are two major limitations to the current Rule 30(b)(4). First, one party can refuse to allow the use of remote depositions for non-substantive tactical reasons, even when the taking party prefers to proceed remotely. Second, case decisions premised on telephonic depositions as the alternative to in-person depositions can lead to defendants forcing plaintiffs to travel to inconvenient and burdensome locations, simply because that is where the case was filed. The norm that a plaintiff can select their forum is now contradicted by the widespread practice of consolidated proceedings transferring cases, or of contractual provisions that may dictate filing in a defendant’s home venue. Requiring the plaintiff to travel when an inexpensive and ubiquitous alternative such as a videoconference-based deposition exists can lead plaintiffs to forgo or dismiss their case, limiting access to justice. We recommend changes to Rule 30(b)(4) to address both concerns.

¹ For nearly 50 years, Cohen Milstein Sellers and Toll, has represented plaintiffs in complex litigation. The Rules Committee consists of several practitioners (Joseph Sellers, Brent Johnson, Douglas McNamara, Rebecca Ojserks, and Benjamin Jackson).

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Current Rule

Rule 30. Depositions by Oral Examination.

(b). Notice of the Deposition; Other Formal Requirements.

(4) *By Remote Means*. The parties may stipulate—or the court may on motion order—that a deposition be taken by telephone or other remote means. For the purpose of this rule and Rules 28(a), 37(a)(2), and 37(b)(1), the deposition takes place where the deponent answers the questions.

Proposed Rule

(4) *By Remote Means*.

Absent good cause shown, a party may take a deposition by remote means. The parties may stipulate—or the court may on motion order—that a deposition be taken by telephone or other remote means. For the purpose of this rule and Rules 28(a), 37(a)(2), and 37(b)(1), the deposition takes place where the deponent answers the questions. A deponent may request that the noticing party take a deposition by remote means. The noticing party may decline that request, but if it does, the deposition will occur where the deponent resides, or alternatively, at a location agreed upon by the deponent and the noticing party.

A. The Current Rule is Outdated

The current Rule 30(b)(4) does not reflect current technology or legal practice. Remote depositions have become common in civil litigation, especially since the COVID-19 pandemic and with technological advances. Remote depositions reduce travel time and costs, permit other counsel to unobtrusively listen or watch, and can centralize exhibits. When originally written, the rule only recognized *telephonic depositions* as “remote depositions.”

The last update to the Rule occurred in 1993. It expanded the alternative to “the taking of a deposition not only by telephone but also by other remote electronic means, *such as satellite television*, when agreed to by the parties or authorized by the court.” 1993 Adv. Committee Note (emphasis added). That thirty-three-year-old version was adopted prior to the widespread use of the internet, and fails to address the acceptance of technology into legal practice, including the now common and widely-used videoconferencing platforms, such as Teams or Zoom.

The advancement in technology from telephonic or “satellite television” has reduced the supposed disadvantages of remote depositions. The current online platforms for remote depositions, unlike telephonic depositions, allow attorneys to see the witnesses’ reactions to exhibits and questions, observe any non-verbal expressions and assess their credibility based on

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them. Document-laden depositions can occur with the exhibits shared electronically, viewed on screens, and saved immediately, without concern that they may be lost or damaged.

Furthermore, having now used Zoom or other web-based technologies for hearings and even trials, federal courts find less persuasive supposed concerns about the ability to judge the witness's credibility and ordering remote depositions. *See, e.g., Abornes Int'l, Inc. v. All Ams. Int'l, Inc.*, No. 3:24-CV-00100-ART-CSD, 2026 WL 194683, at *5 (D. Nev. Jan. 26, 2026) ("Current videoconferencing technology allows attorneys to view a witness'[s] demeanor in general and in response to specific questions, and permits the attorney to show a witness a document without concerns of manipulation."); *FTC v. Int'l Markets Live, Inc.*, No. 2:25-CV-00760-CDS-NJK, 2025 WL 2644178, at *2–3 (D. Nev. Sep. 15, 2025) (holding remote depositions do not require a "showing of extraordinary circumstances," a "desire to save money" on travel costs is a legitimate reason for a remote deposition, and the FTC's preference for taking "the deposition the old-fashioned way, by sitting across the table from [the witness] handing her documents, asking her questions about them, and assessing her reaction to them" did not suffice for prejudice (citation modified)); *Brooks v. Pikes Peak Hospice*, 497 F. Supp. 3d 985, 988 (D. Colo. 2020) ("As for the argument that remote depositions are inferior to in-person depositions, . . . [s]uch outmoded prejudices, based not on reality but rather on anecdotal and perhaps dated experience with technology, simply cannot be tolerated in the current climate, regardless of what the post-pandemic future may look like eventually."); *Learning Res., Inc. v. Playgo Toys Enters. Ltd.*, 335 F.R.D. 536, 539 (N.D. Ill. 2020) ("[R]emote depositions are a presumptively valid means of discovery' even without the in-person interaction [] and many courts have held that remote videoconference depositions offer the deposing party a sufficient opportunity to evaluate a deponent's nonverbal responses, demeanor, and overall credibility." (quoting *Usov v. Lazar*, No. 13 Civ. 818, 2015 WL 5052497, at *2 (S.D.N.Y. Aug. 25, 2015))).

Indeed, "[i]f the lack of being physically present with the witness were enough prejudice to defeat the holding of a remote deposition, then Rule 30(b)(4) would be rendered meaningless." *Grupo Petrotex, S.A. de C.V. v. Polymatrix AG*, No. 16-CV-2401 (SRN/HB), 2020 WL 4218804, at *3 (D. Minn. July 23, 2020) (quoting *Rouviere v. DePuy Orthopaedics, Inc.*, 471 F. Supp. 3d 571, 576 (S.D.N.Y. 2020)). And "exhibits can be managed in remote depositions by sending Bates-stamped exhibits to deponents prior to the depositions or using modern videoconference technology to share documents and images quickly and conveniently." *Id.* at *3 (quoting *Rouviere*, 471 F. Supp. 3d at 575).

Commentators also support expansive use of remote depositions. 1 Steven S. Gensler, *Federal Rules of Civil Procedure, Rules and Commentary* § 30:26 (2026) ("So, where do things stand in the post-COVID landscape? One thing the COVID years unquestionably demonstrated is that the technology for conducting remote video depositions is reliable and readily available. And while many lawyers resisted embracing that technology, most adapted to it out of necessity.").

And for lawyers uninitiated in this technology, "[t]here are numerous resources and training opportunities available throughout the legal community to assist [such] counsel in the

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operation and utilization of the new technology.” *Grano v. Sodexo Mgmt., Inc.*, 335 F.R.D. 411, 415 (S.D. Cal. 2020).

Furthermore, COVID-era deposition protocols developed by litigants address previous concerns about remote depositions. For example, they may limit who can be in the room during the examination, or require defending counsel and witness to be on camera, with no messaging programs open that could be a conduit for “coaching” the witness.²

B. The Rule Should Not Require a Stipulation for Remote Depositions.

Despite the technological changes and some recent decisions, Rule 30 still sets in-person depositions as a default and only permits remote deposition by stipulation or court order. This allows a party opposing remote depositions to exert leverage inappropriately. For example, if one party plans to travel and defend depositions of their clients in person, they can insist, in negotiations over a deposition protocol order or individual depositions, that lawyers for the other party do so, too. This allows one party to increase costs or extract something in return for the stipulation allowing remote depositions.

The first paragraph of the proposed rule removes the requirement that the party seeking to take a remote deposition obtain a stipulation from the parties or a court order, and provides the unambiguous right to depose a witness remotely. This removes the possibility of one or multiple parties resisting remote depositions to obtain leverage on other issues, delay the progress of the litigation, or generally being obstreperous.³

C. Precedent Unduly Burdens the Noticed Party (Usually Plaintiffs) to Justify a Remote Deposition

The second problem with the current Rule 30(b)(4) arises when the noticed party—usually the plaintiff—seeks a remote deposition rather than be forced to travel to the location of an in-person deposition. Usually, “a party seeking discovery must go where the desired witnesses are normally located,” absent “special circumstances.” *United States v. One Gulfstream G-V Jet Aircraft Displaying Tail No. VPCEs*, 304 F.R.D. 10, 12 (D.D.C. 2014) (quoting *Farquhar v. Shelden*, 116 F.R.D. 70, 72 (E.D. Mich. 1987)). However, a long string of precedent presumes that a defendant can require plaintiffs to travel to the forum court for their deposition despite the availability of the remote option. *See, e.g., Istituto Per Lo Sviluppo Economico Dell’ Italia*

² An early adoption of such a protocol in the Southern District of New York can be found at https://nysd.uscourts.gov/sites/default/files/practice_documents/RWL%20Lehrburger%20Sample%20Remote%20Deposition%20Protocol.pdf (last visited Aug. 21, 2026).

³ The proposed change retains from the current rule the language that for the purpose of this rule and Rules 28(a), 37(a)(2), and 37(b)(1), the deposition takes place where the deponent answers the questions.

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Meridionale v. Sperti Prods., Inc., 47 F.R.D. 530, 533 (S.D.N.Y. 1969) (“Ordinarily, a defendant is entitled to examine a plaintiff in the forum where plaintiff has chosen to sue.”); *Clem v. Allied Van Lines Int’l Corp.*, 102 F.R.D. 938, 939 (S.D.N.Y. 1984) (“[T]his Court has long enunciated the policy of requiring a non-resident plaintiff who chooses this district as his forum to appear for deposition in this forum absent compelling circumstances.”); *Buergofol GmbH v. Omega Liner Co.*, No. 4:22-CV-04112-KES, 2025 WL 2004308, at *3 (D.S.D. July 17, 2025) (“Courts are generally unmoved by plaintiff’s complaints that the forum they selected for the litigation is inconvenient.”)

But the underlying presumptions behind these cases are outdated. First, Plaintiffs often do not pick where they file, with over 65% of plaintiffs consolidated or transferred as part of multidistrict litigation (MDLs).⁴ Contract clauses may include forum selection clauses mandating where the plaintiff must file. Rules of personal jurisdiction may also require filing in a court in the defendant’s home state. And the assumption that the plaintiff would have to inevitably travel to the court’s location for trial ignores that less than 1% of federal civil cases proceed to trial.⁵ Second, the case law developed when one party would have to bear the burden of travel for the deposition. But now with the technology of remote depositions, neither party must travel.

D. The Standards for Obtaining a Remote Deposition are Inconsistent and Inconsistently Applied

Rule 30(b)(4) states nothing about how a court should decide if a remote deposition is appropriate. Many courts presume that it is governed by the “good cause” standards related to obtaining a protective order under Fed. R. Civ. P. 26(c)(2). *See, e.g., Turner v. Prudential Ins. Co. of Am.*, 119 F.R.D. 381, 382 (M.D.N.C. 1988) (citing 8A Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2112, at 403 (1970)). This means the noticed party has the burden of showing good cause. *G.K. v. D.M.*, No. CV 21-2242, 2024 WL 1801907, at *3 (E.D. La. Apr. 25, 2024). But what constitutes “good cause” varies, and many courts exalt in-person assessments of the witness over the burdens in time and expense for deposition travel.

⁴ *See, e.g.,* Nora Freeman Engstrom, Owen Foulkes, Brianne Holland-Stergar, *Managing Multidistrict Litigation: What’s Working, What’s Not, and What’s Next*, Stanford Law School (Sep. 29, 2025), <https://law.stanford.edu/2025/09/29/managing-multidistrict-litigation-whats-working-whats-not-and-whats-next/> (noting as of September 29, 2025, 65% of all federal civil cases are consolidated into MDLs).

⁵ Jeffrey Q. Smith & Grant R. MacQueen, *Going, Going, But Not Quite Gone: Trials Continue to Decline in Federal and State Courts. Does it Matter?*, 101 *Judicature* 26, 28 (2017), <https://judicature.duke.edu/articles/going-going-but-not-quite-gone-trials-continue-to-decline-in-federal-and-state-courts-does-it-matter/>.

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Here is a brief look at each circuit:

First: *Howitt v. Morse*, No. 25-10099-LTS, 2026 WL 936071, at *2 (D. Mass. Apr. 7, 2026) (applying “good cause: and asserting preference to in-person depositions, concluding “Howitt’s assertions of a disability and medical issues without tying those issues to his inability to sit for a deposition do not qualify as a legitimate reason to allow a remote deposition.”);

Second: *D’Arezzo v. Appel*, No. 1:22-cv-00177, 2024 WL 538538, at *1 (S.D.N.Y. Feb. 8, 2024) (finding plaintiffs’ health and ability to use Zoom outweighed prejudice to defendant of a remote deposition); *Cuevas v. Adon Farms Operations, LLC*, 2026 WL 1802921, at *1-2 (N.D.N.Y. June 23, 2026) (same);

Third: *Maugain v. FCA US LLC*, No. 22-116-JLH-SRF, 2025 WL 208024, at *2 (D. Del. Jan. 15, 2025) (citing Rule 26 and denying remote deposition absent showing of extreme hardship; plaintiff needs to show a medical condition or dependent care obligations via declaration of physician’s note);

Fourth: *United States ex rel. Adams v. Remain at Home Senior Care, LLC*, No. 1:17-cv-01493-JMC, 2021 WL 856876, at *1 (D.S.C. Mar. 8, 2021) (restating general rule that while Rule 30 “does not specify the showing that a party must make to support a motion for a remote deposition[,] ... courts generally have held that the moving party must put forward ‘a legitimate reason’ to conduct the deposition remotely,” and finding notice party’s complaint of “Zoom fatigue” or future technical difficulties were not sufficient prejudice to reject remote deposition);

Fifth: *Birkland v. Courtyards Guest House*, No. 11–0349, 2011 WL 4738649, at *2–3 (E.D. La. Oct. 7, 2011) (“The party seeking to use deposition by remote means must establish legitimate reason for its request by “a particular and specific demonstration of fact as distinguished from stereotyped and conclusory statements,” and the party opposing the motion must demonstrate why the deposition should not be conducted remotely. Courts consider the party’s (1) age, (2) physical condition, (3) finances, and (4) other factors that might result in extreme hardship in the analysis. “[A]bsent a specific showing of hardship tied to an individual’s circumstances, a general order requiring that the deposition of an out-of-town plaintiff be taken telephonically is not warranted.”) *G.K. v. D.M.*, No. CV 21-2242, 2024 WL 1801907, at *4 (E.D. La. Apr. 25, 2024) (rejecting remote deposition where plaintiff moved to Poland and could not allege health-based hardship);

Sixth: *In re Chrysler Pacifica Fire Recall Prods. Liab. Litig.*, 737 F. Supp. 3d 611, 616 (E.D. Mich. 2024) (applying Rule 26(c) “good cause” standard and rejected remote depositions in multistate MDL case based upon inconvenience and cost to proffered class representatives); *In re FCA US LLC Monostable Elec. Gearshift Litig.*, No. 16-MD-02744, 2017 WL 4216193, at *4 (E.D. Mich. Sept. 22, 2017) (same);

Seventh: *In re Broiler Chicken Antitrust Litig.*, No. 1:16-cv-08637, 2020 WL 3469166, at *5, 7 (N.D. Ill. June 25, 2020) (discussing the Rule 26(c) standard, but finding “A desire to save

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money taking out of state depositions can suffice to show good cause to take a deposition by remote means.”);

Eighth: *Doe v. Bd. of Regents of Univ. of Nebraska*, No. 4:21-CV-3049, 2022 WL 17343852, at *2 (D. Neb. Nov. 30, 2022) (“[A]lthough some courts speak colloquially about whether there is ‘good cause’ to take remote depositions allowed by Rule 30(b)(4), the [r]ule does not literally require the existence of good cause.”); *Ward v. Copenhaver*, No. 3:22-cv-00250, 2026 WL 458440, at *4 (E.D. Ark. Feb. 18, 2026) (remote depositions and videoconference depositions are “a presumptively valid means of discovery,” and “leave to take depositions by remote means should be granted liberally.”). *But see Buergofol GmbH v. Omega Liner Co.*, No. 4:22-CV-04112-KES, 2025 WL 2004308, at *2 (D.S.D. July 17, 2025) (rejecting remote deposition of key plaintiff witness in Czech Republic, citing plaintiff’s decision to file in D.S.D and that travel was inevitable);

Ninth: While courts within the Ninth Circuit generally grant leave to conduct remote depositions liberally, the party requesting remote deposition must establish a legitimate basis for its request. *JUUL Labs Inc. v. Chou*, No. 2:21-cv-03056-DSF-PD, 2022 WL 2165411 at *3 (C.D. Cal. Feb. 11, 2022). If the moving party presents a legitimate reason, the burden shifts to the opposing party to demonstrate a “particularized showing” of prejudice that would result from a remote deposition. *Henry v. Tacoma Police Dep’t*, No. 3:22-CV-05523-LK, 2023 WL 5530201, at *2 (W.D. Wash. Aug. 28, 2023). *But see Richardson v. Grey*, No. 1:23-cv-00375-DCN, 2025 WL 843768, at *2 (D. Idaho Mar. 18, 2025) (noting “Plaintiffs here are six adult children of the decedent, and there is no compelling evidence that their financial or other personal circumstances create an insurmountable hardship. There will, of course, be some inconvenience due to employment, family life, and travel. But those are matters incident to daily life and do not constitute a compelling reason for the Court to mandate remote depositions. Defendants, on the other hand, argue that in-person depositions are critical for evaluating witness credibility and demeanor.”);

Tenth: *Grant v. W. Governors Univ.*, No. 2:25-cv-00631, 2025 WL 3058526, at *2 (D. Utah Oct. 30, 2025) (applying Rule 26(c) “good cause” standard and rejecting request for remote deposition. “Plaintiff indicates he is a qualified individual with a disability, but fails to explain how his disability affects his ability to travel to Utah for an in-person deposition. Further, while cost and inconvenience are factors to be weighed in considering Plaintiff’s motion, the court must also ensure a fair format for the deposition. Here, the court agrees that Defendant would be prejudiced if Plaintiff is not required to appear in-person. Plaintiff made the decision to bring this litigation, has been actively involved in the case, is a named party, and seeks damages of up to \$3,538,925.00. Given the nature of the claims and the amount at issue, it is important for Defendant to be able to directly observe Plaintiff’s demeanor and to assess his credibility in person.”);

Eleventh: “Any litigant who seeks a protective order to preclude a deposition in a particular place must establish *with evidence* an inability to attend a deposition at that place or the probability of suffering a substantial hardship beyond the ordinary inconvenience that any

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deposition necessarily entails[.]” *Huddleston v. Bowling Green Inn of Pensacola*, 333 F.R.D. 581, 586 (N.D. Fla. 2019) (rejecting remote deposition for plaintiff alleging sex discrimination against former employer after relocating to Germany with her family. “Plaintiff failed to demonstrate that her financial condition or the fact that she has an infant precludes her from traveling to the Northern District of Florida. She failed to provide any affidavits regarding her financial status, the extent of her household income and expenses, the extent of her financial assets and savings, whether she could obtain a loan to pay for the flight, and other relevant information.”);

DC Circuit: *Est. of Botvin v. Heideman, Nudelman & Kalik, P.C.*, No. 1:21-CV-3186-RCL, 2025 WL 1905738, at *4 (D.D.C. July 10, 2025) (ordering remote depositions to resolve dispute over who would pay for travel costs to depose Israeli national plaintiffs, noting “On the facts of this case, where the travel required is so distant, and exacerbated by the widespread cancellation of flights from the United States to Israel in light of the unrest on the Middle East, imposing such costs in the face of cost-free videoconferencing technology seems at odds with the command to both ‘the court *and* the parties’ to interpret and apply the FRCPs ‘to secure the just, speedy, and *inexpensive* determination.’ Fed. R. Civ. P. 1 (emphasis added).”).

The inconsistencies in the above cases warrant consideration by the Advisory Committee on Civil Rules. Some courts discuss “good cause” (a common standard) and others “a legitimate reason” (a subjective standard). Courts run the gamut from the liberal grant of remote depositions to requiring substantial hardship. Even within cases applying one standard or the other, application is uneven. The Rule should provide more consistency and certainty and reduce the import of individual judges’ biases concerning remote depositions.⁶

E. The Standard Should be Clear and Favor Cost-Savings

Considering the above, the second proposed change provides a clear standard (“good cause”) but places it on the party *opposing* a remote deposition. The amendment gives the deponent the right to choose a remote deposition to avoid the burdens of travel. The noticing party is not precluded from an in-person deposition. They may show “good cause” why the witness must travel, or may simply travel to the witness. This allows the noticing party the right to an in-person deposition, but denies them the leverage of forcing the deponent to unnecessarily travel.

Several courts have recently followed this route. *See, e.g., Milligan v. Baris Cleaning Servs., LLC*, No. 23-CV-03349, 2024 WL 6985438, at *2 (C.D. Ill. Dec. 27, 2024) (rejecting

⁶ Further, some of the decisions above relied on older rulings concerning telephonic depositions. For example, *Buergofol* relied on a case that stated “[r]emote depositions preclude . . . the assessment of the deponent’s demeanor, affect, non-verbal responses, and facial expressions.” 2025 WL 2004308, at *5 (citing *Tsien v. Bd. of Regents of Univ. Sys. of Ga.*, No. CV 121-008, 2021 WL 6617307, at *3 (S.D. Ga. Nov. 12, 2021)). That case, in turn, relied on *Huddleston*, which predated COVID-19 and considered a telephonic deposition.

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remote deposition where the noticing party agreed to depose witness “at her place of residence in Kansas, thus mitigating her concerns of expense, inconvenience, and hardship”); *MidWestOne Bank v. Sutterfield*, No. 3:24-CV-00062-SMR-HCA, 2025 WL 4065466, at *2 (S.D. Iowa Sep. 8, 2025) (rejecting protective order requiring remote deposition but requiring the defendant to go to deponents’ home city).

F. The Proposed Change to Remote Deposition Comports to the Newly Approved amendments to Federal Rule of Civil Procedure 45(c).

Rule 45(c) currently states:

(c) PLACE OF COMPLIANCE.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

The newly amended rule states:

“For Remote Testimony. Under Rule 45(c)(1), the place of attendance for remote testimony is the location where the person is commanded to appear in person.”

This change was prompted by the Ninth Circuit’s decision in *In re Kirkland*, 75 F.4th 1030 (9th Cir. 2023). In that case, the Ninth Circuit held that even though the district court had found remote testimony justified under Rule 43(a), it could not, by subpoena, compel a witness to provide that testimony. The proposed place for the testimony was within 100 miles of the witness’s residence but more than 100 miles from the courthouse, which the court concluded was outside its “subpoena power.” The Ninth Circuit recognized that a rule change could alter this outcome.⁷

⁷ Committee on Rules of Practice and Procedure, *Preliminary Draft Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, and the Federal Rules of Evidence* at 37, Judicial Conference of the United States (Aug. 2025), https://www.uscourts.gov/sites/default/files/document/preliminary-draft-of-proposed-amendments-to-federal-rules_august2025.pdf.

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The Subcommittee observed “there have been disagreements among district courts about whether they have such power as to distant trial witnesses. The *Kirkland* decision . . . seems to be having some unfortunate ripple effects, *even in cases involving only discovery rather than trial testimony.*” Committee, *supra* note 7, at 39 (emphasis added). The proposed rule change to Rule 30(b)(4) coincides with the “*Kirkland* fix” and facilitates remote depositions of party witnesses lowering costs.

Three years ago, in rejecting a motion to transfer, Judge Stephanie Gallagher observed, “in the era of Zoom depositions, the likelihood of extensive travel for any witness or party is greatly minimized.” *Newman v. Direct Energy, L.P.*, No. SAG-21-02446, 2023 WL 2914788, at *3 (D. Md. Apr. 12, 2023). While accurate, the current rule predates Zoom depositions by nearly three decades and lacks a clear standard when a court considers a request for to be deposed remotely. Too often, the likelihood of “extensive travel” falls only on one party—the plaintiff. Cohen Milstein urges the Rules Subcommittee to make these amendments to Rule 30(b)(4). They recognize the advancement in technology and the advantages of remote depositions, reduce costs and burdens for parties and ensure equity between litigants.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dy M L' followed by a stylized flourish.

Douglas McNamara
Cohen Milstein Sellers & Toll LLP