

OUT OF STATE COMMISSION TO DEPOSE A CONNECTICUT RESIDENT – Revised 07/01/18

To depose a Connecticut resident for use in a foreign court, you may follow either of the two procedures described below. You may also qualify to depose a Connecticut resident for use in a foreign court under Connecticut's Multi-Jurisdictional Practice (MJP) privileges as an attorney who may provide temporary legal services in Connecticut. (See [Information about Connecticut's Multi-Jurisdictional Practice \(MJP\) privileges](#).)

1. File (deliver to court) a motion for commission to take a deposition in the court in the jurisdiction where your case is pending.

Note: In this motion for commission you may name a Connecticut attorney or notary public to take the deposition in Connecticut. (Most court reporters are notary publics.)

2. You must make sure that the time and notice requirements of [Section 52-148a of the Connecticut General Statutes](#) and [Section 52-148b of the Connecticut General Statutes](#) are met.
3. After the order for commission is signed by the foreign court you may send a certified copy of the order to the Connecticut attorney or notary public who will schedule the deposition and issue the subpoena.

OR

1. File a motion for commission to take a deposition in the court where your case is pending.

Note: In the motion for commission you may name a Connecticut attorney or notary public to take the deposition in Connecticut. (Most court reporters are notary publics.)

2. Make sure that the time and notice requirements of [Section 52-148a of the Connecticut General Statutes](#) and [Section 52-148b of the Connecticut General Statutes](#) are met.
3. Apply for a court-ordered subpoena pursuant to [Section 52-155 of the Connecticut General Statutes](#) at the Superior Court with appropriate jurisdiction.

The following must be filed with the clerk:

1. Application for issuance of subpoena;
2. An [appearance](#) by Connecticut counsel or by a self-represented party;
3. A certified copy of the order from the foreign jurisdiction;
4. Proposed order; and
5. The entry fee is \$360.

Note: A completed subpoena form (without signatures) may be filed with the application.

[Section 13-28 \(g\) of the Connecticut Practice Book](#)
[Sections 52-148a through 52-148e of the Connecticut General Statutes](#) and [Section 52-155 of the Connecticut General Statutes](#)

The Superior Court has jurisdiction to quash or modify, or to enforce compliance with a subpoena issued for the taking of a deposition pursuant to [Section 52-148e\(f\)\(1\) of the Connecticut General Statutes](#).

Note: Someone who receives a subpoena related to a civil action or probate proceeding in another state or a foreign country and is not a party to that action or proceeding may serve a written objection on the person requesting the subpoena if the subpoena will cause such person undue or unreasonable burden or expense. The objection must be served on the person who issued the subpoena, the earlier of 15 days after being served with the subpoena or the date specified for compliance with the subpoena. Once such written objection has been made, the issuer of the subpoena may not compel compliance, except pursuant to an order of the Superior Court. For more information, see [Section 52-148e\(f\)\(2\) of the Connecticut General Statutes](#). The provisions of this section do not apply to a civil action filed to recover damages resulting from personal injury or wrongful death in which it is alleged that such injury or death resulted from the professional malpractice of a health care provider or health care institution. [Section 52-148e\(f\)\(3\) of the Connecticut General Statutes](#).