

Minutes of the Meeting  
Rules Committee of the Superior Court  
Monday, October 30, 2023

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On October 30, 2023, the Rules Committee met using Microsoft Teams from 2:03 p.m. to 3:10 p.m.

Members in attendance were:

HON. ANDREW J. McDONALD, CHAIR  
HON. BARRY F. ARMATA  
HON. COURTNEY M. CHAPLIN  
HON. ERNEST GREEN  
HON. JENNIFER MACIEROWSKI  
HON. STEPHANIE A. MCLAUGHLIN  
HON. W. GLEN PIERSON  
HON. SHEILA M. PRATS  
HON. ELIZABETH J. STEWART

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, James T. O'Connor, Assistant Counsel to the Rules Committee, and Lori Petruzzelli, Assistant Counsel to the Rules Committee.

1. The Committee approved the minutes of the meeting held on September 18, 2023, with no revisions.

2. The Committee considered a proposal from Legal Services Associations to amend Practice Book Section 7-10 and 7-11 regarding retention and destruction of summary process records (RC ID # 2021-023).

Attorneys Jane Kelleher and Raphael Podolsky from Connecticut Legal Services, and Attorney Rebecca Schmitt from Court Operations were present and addressed the Committee on this matter.

After discussion, the Committee voted to take no action and tabled this matter.

3. The Committee considered a proposal from Attorney Owen Weaver to amend the Practice Book to include uniform standard interrogatories and production requests for real property tax appeals (RC ID # 2021-027).

Attorney Gregory Servodidio was present and addressed the Committee on this matter.

After discussion, the Committee tabled this matter until its December meeting.

4. The Committee considered a proposal from Judge Michael Albis, former Chief Administrative Judge, Family Matters, to amend various Practice Book Sections regarding the Pathways process in Family Matters (RC ID # 2023-008).

Judge Leo Diana, Chief Administrative Judge, Family Matters, was present and addressed the Committee on this matter.

After discussion, the Committee voted unanimously to submit to public hearing the amendments to Practice Book Sections 25-1, 25-3, 25-4, 25-5, 25-26, 25-30, and 25-53, as set forth in Appendix A, attached to these minutes. The Committee tabled discussion concerning Sections 25-34, 25-50, and 25-51, and asked Judge Diana to work with the Connecticut section of the American Academy of Matrimonial Lawyers, the Family Law Section of the Connecticut Bar Association, and Connecticut legal services associations to review Chapter 25 of the Practice Book and provide the Committee with an integrated report and proposal at or before the January 2024 meeting of the Rules Committee.

5. The Committee considered a proposal from Attorney Zenas Zelotes to amend Practice Book Section 13-29 regarding place of depositions, to allow remote depositions. (RC ID # 2023-009).

Attorney Karolina Dowd was present and addressed the Committee on this matter.

After discussion, the Committee voted unanimously to submit to public hearing the proposal, as set forth in Appendix B, attached to these minutes.

6. The Committee considered an informational memorandum from Attorney Kevin DiAdamo concerning Public Acts 2023, No. 23-16, and Artificial Intelligence (AI) technology generally. (RC ID # 2023-014).

Judge Barry Armata addressed the Committee on this matter.

After discussion, the Committee tabled this proposal to its September 2024 meeting.

7. The Committee considered the recommendation from the Legal Specialization Screening Committee (LSSC) to renew the authority of the Connecticut Bar Association (CBA) to certify attorneys as specialists in the area of Residential Real Estate for a five-year period commencing on December 18, 2023, through December 18, 2028 (RC ID # 2023-015).

After discussion, the Committee voted to approve the CBA's application to be recertified as a certifier of attorneys in the specialty area of Residential Real Estate as recommended by the LSSC.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joseph J. Del Ciampo".

Joseph J. Del Ciampo  
Counsel to the Rules Committee

## APPENDIX A

(103023)

### Sec. 25-1. Definitions Applicable to Proceedings on Family Matters

(a) The following shall be “family matters” within the scope of these rules: Any actions brought pursuant to General Statutes § 46b-1, including, but not limited to, dissolution of marriage or civil union, legal separation, dissolution of marriage or civil union after legal separation, annulment of marriage or civil union, alimony, support, custody, and change of name incident to dissolution of marriage or civil union, habeas corpus and other proceedings to determine the custody and visitation of children except those which are properly filed in the Superior Court as juvenile matters, the establishing of ~~[paternity]~~ parentage, enforcement of foreign matrimonial or civil union judgments, actions related to prenuptial or pre-civil union and separation agreements and to matrimonial or civil union decrees of a foreign jurisdiction, actions brought pursuant to General Statutes § 46b-15, custody proceedings brought under the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act and proceedings for enforcement of support brought under the provisions of the Uniform Interstate Family Support Act.

(b) Whenever a rule applicable to family matters as defined in subsection (a) of this Section provides for the scheduling of a motion or other matter on the short calendar, the rule may be satisfied by the scheduling of the motion or other matter for a Case Date, Motion Docket, or other court event, so long as any time periods specified in the rule for the scheduling of the matter are observed.

COMMENTARY: This section has been amended to conform to the Connecticut Parentage Act, which has broadened matters of parentage in Connecticut beyond that of paternity. A subsection (b) was added to explain that rules applicable to family matters that require scheduling of a motion on a short calendar are satisfied by the scheduling of the motion for a Case Date, Motion Docket or other court event.

### **Sec. 25-3. Action for Custody of Minor Child**

Every application in an action for custody of a minor child, other than actions for dissolution of marriage or civil union, legal separation or annulment, shall state the name and date of birth of such minor child or children, the names of the parents and legal guardian of such minor child or children, and the facts necessary to give the court jurisdiction. The application shall comply with Section 25-5. Such application shall be commenced by an order to show cause. Upon presentation of the application and an affidavit concerning children, the judicial authority shall cause an order to be issued requiring the adverse party or parties to appear on a day certain and show cause, if any there be, why the relief requested in the application should not be granted. The application, order and affidavit shall be served on the adverse party not less than twelve days before the date of the hearing or other court event, which shall not be [held] more than thirty-five days from the filing of the application.

COMMENTARY: A disputed custody action is often not ready for a hearing on its first court appearance. Adding “or other court event” allows the court to assign the most appropriate court event, and still comply with the rule. Changing the timeframe from thirty

days (approximately one month) to thirty-five days (exactly five weeks) provides the court with maximum flexibility to accommodate the case for whatever the appropriate court event is within the timeframe.

#### **Sec. 25-4. Action for Visitation of Minor Child**

Every application or verified petition in an action for visitation of a minor child, other than actions for dissolution of marriage or civil union, legal separation or annulment, shall state the name and date of birth of such minor child or children, the names of the parents and legal guardian of such minor child or children, and the facts necessary to give the court jurisdiction. An application brought under this section shall comply with Section 25-5. Any application or verified petition brought under this Section shall be commenced by an order to show cause. Upon presentation of the application or verified petition and an affidavit concerning children, the judicial authority shall cause an order to be issued requiring the adverse party or parties to appear on a day certain and show cause, if any there be, why the relief requested in the application or verified petition should not be granted. The application or verified petition, order and affidavit shall be served on the adverse party not less than twelve days before the date of the hearing or other court event, which shall not be [held] more than thirty-five days from the filing of the application or verified petition.

COMMENTARY: A disputed visitation action is often not ready for a hearing on its first court appearance. Adding “or other court event” allows the court to assign the most appropriate court event, and still comply with the rule. Changing the timeframe from thirty

days (approximately one month) to thirty-five days (exactly five weeks) provides the court with maximum flexibility to accommodate the case for whatever the appropriate court event is within the timeframe.

### **Sec. 25-5. Automatic Orders Upon Service of Complaint or Application**

The following automatic orders shall apply to both parties, with service of the automatic orders to be made with service of process of a complaint for dissolution of marriage or civil union, legal separation, or annulment, or of an application for custody or visitation. An automatic order shall not apply if there is a prior, contradictory order of a judicial authority. The automatic orders shall be effective with regard to the plaintiff or the applicant upon the signing of the complaint or the application and with regard to the defendant or the respondent upon service and shall remain in place during the pendency of the action, unless terminated, modified, or amended by further order of a judicial authority upon motion of either of the parties:

(a) In all cases involving a child or children, whether or not the parties are married or in a civil union:

(1) Neither party shall permanently remove the minor child or children from the state of Connecticut, without written consent of the other or order of a judicial authority.

(2) A party vacating the family residence shall notify the other party or the other party's attorney, in writing, within forty-eight hours of such move, of an address where the relocated party can receive communication. This provision shall not apply if and to the extent there is a prior, contradictory order of a judicial authority.

(3) If the parents of minor children live apart during this proceeding, they shall assist their children in having contact with both parties, which is consistent with the habits of the family, personally, by telephone, and in writing. This provision shall not apply if and to the extent there is a prior, contradictory order of a judicial authority.

(4) Neither party shall cause the children of the marriage or the civil union to be removed from any medical, hospital and dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(5) The parties shall participate in the parenting education program within sixty days of the return day or within sixty days from the filing of the application.

(6) These orders do not change or replace any existing court orders, including criminal protective and civil restraining orders.

(b) In all cases involving a marriage or civil union, whether or not there are children:

(1) Neither party shall sell, transfer, exchange, assign, remove, or in any way dispose of, without the consent of the other party in writing, or an order of a judicial authority, any property, except in the usual course of business or for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(A) Nothing in subsection (b) (1) shall be construed to preclude a party from purchasing or selling securities, in the usual course of the parties' investment decisions, whether held in an individual or jointly held investment account, provided that the purchase or sale is: (i) intended to preserve the estate of the parties, (ii) transacted either on an open and public market or at an arm's length on a private market, and (iii) completed



in such manner that the purchased securities or sales proceeds resulting from a sale remain, subject to the provisions and exceptions recited in subsection (b) (1), in the account in which the securities or cash were maintained immediately prior to the transaction. Nothing contained in this subsection shall be construed to apply to a party's purchase or sale on a private market of an interest in an entity that conducts a business in which the party is or intends to become an active participant.

(B) Notwithstanding the requirement of subparagraph (A) of subsection (b) (1) that the transaction be made in the usual course of the parties' investment decisions, if historically the parties' usual course of investment decisions involves their discussion of proposed transactions with each other before they are made, but a sale proposed by one party is a matter of such urgency as to timing that the party proposing the sale has a good faith belief that the delay occasioned by such discussion would result in loss to the estate of the parties, then the party proposing the sale may proceed with the transaction without such prior discussion, but shall notify the other party of the transaction immediately upon its execution; provided, that a sale permitted by this subparagraph (B) shall be subject to all other conditions and provisions of subparagraph (A) of subsection (b) (1), so long as the transaction is intended to preserve the estate of the parties.

(2) Neither party shall conceal any property.

(3) Neither party shall encumber (except for the filing of a lis pendens) without the consent of the other party, in writing, or an order of a judicial authority, any property except in the usual course of business or for customary and usual household expenses or for reasonable attorney's fees in connection with this action.

(4) Neither party shall cause any asset, or portion thereof, co-owned or held in joint name, to become held in [his or her] that party's name solely without the consent of the other party, in writing, or an order of the judicial authority.

(5) Neither party shall incur unreasonable debts hereafter, including, but not limited to, further borrowing against any credit line secured by the family residence, further encumbering any assets, or unreasonably using credit cards or cash advances against credit cards.

(6) Neither party shall cause the other party to be removed from any medical, hospital and dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

(7) Neither party shall change the beneficiaries of any existing life insurance policies, and each party shall maintain the existing life insurance, automobile insurance, homeowners or renters insurance policies in full force and effect.

(8) If the parties are living together on the date of service of these orders, neither party may deny the other party use of the current primary residence of the parties, whether it be owned or rented property, without order of a judicial authority. This provision shall not apply if there is a prior, contradictory order of a judicial authority.

(c) In all cases[:

(1) T]the parties shall each complete and exchange sworn financial statements substantially in accordance with a form prescribed by the chief court administrator within thirty days of the return day. The parties may thereafter enter and submit to the court a

stipulated interim order allocating income and expenses, including, if applicable, proposed orders in accordance with the uniform child support guidelines.

[(2) The case management date for this case is \_\_\_\_\_. The parties shall comply with Section 25-50 to determine if their actual presence at the court is required on that date.]

(d) The automatic orders of a judicial authority as enumerated above shall be set forth immediately following the party's requested relief in any complaint for dissolution of marriage or civil union, legal separation, or annulment, or in any application for custody or visitation, and shall set forth the following language in bold letters:

**Failure to obey these orders may be punishable by contempt of court. If you object to or seek modification of these orders during the pendency of the action, you have the right to a hearing before a judge within a reasonable time.**

The clerk shall not accept for filing any complaint for dissolution of marriage or civil union, legal separation, or annulment, or any application for custody or visitation, that does not comply with this subsection.

COMMENTARY: Under Pathways, the case will be assigned its first court event much before the Case Management Date would have been. References to gender have also been removed from subsection (b) (4).

## **Sec. 25-26. Modification of Custody, Alimony or Support**

(a) Upon an application for a modification of an award of alimony pendente lite, alimony or support of minor children, filed by a person who is then in arrears under the terms of such award, the judicial authority shall, upon hearing, ascertain whether such arrearage has accrued without sufficient excuse so as to constitute a contempt of court, and, in its discretion, may determine whether any modification of current alimony and support shall be ordered prior to the payment, in whole or in part as the judicial authority may order, of any arrearage found to exist.

(b) Either parent or both parents of minor children may be cited or summoned by any party to the action to appear and show cause, if any they have, why orders of custody, visitation, support or alimony should not be entered or modified.

(c) If any applicant is proceeding without the assistance of counsel and citation of any other party is necessary, the applicant shall sign the application and present the application, proposed order and summons to the clerk; the clerk shall review the proposed order and summons and, unless it is defective as to form, shall sign the proposed order and summons and shall assign a date for a hearing or other court event on the application.

(d) Each motion for modification of custody, visitation, alimony or child support shall state clearly in the caption of the motion whether it is a pendente lite or a postjudgment motion.

(e) Each motion for modification shall state the specific factual and legal basis for the claimed modification and shall include the outstanding order and date thereof to which the motion for modification is addressed.

(f) On motions addressed to financial issues, the provisions of Section 25-30 shall be followed.

(g) Upon or after entry of judgment of a dissolution of marriage, dissolution of civil union, legal separation or annulment, or upon or after entry of a judgment or final order of custody and/or visitation for a petition or petitions filed pursuant to Section 25-3 and/or Section 25-4, the judicial authority may order that any further motion for modification of a final custody or visitation order shall be appended with a request for leave to file such motion and shall conform to the requirements of subsection (e) of this section. The specific factual and legal basis for the claimed modification shall be sworn to by the moving party or other person having personal knowledge of the facts recited therein. If no objection to the request has been filed by any party within ten days of the date of service of such request on the other party, the request for leave may be determined by the judicial authority with or without hearing. If an objection is filed, the request shall be placed on the next short calendar, unless the judicial authority otherwise directs. At such hearing, the moving party must demonstrate probable cause that grounds exist for the motion to be granted. If the judicial authority grants the request for leave, at any time during the pendency of such a motion to modify, the judicial authority may determine whether discovery or a study or evaluation pursuant to Section 25-60 shall be permitted.

COMMENTARY: A disputed motion for modification is not always ready to be heard on its first court appearance. Assigning a hearing may be untimely and not an efficient or effective use of the parties' time or the court's resources. Adding "or other court event" allows the matter to be given the court resources it needs. Should the parties reach an agreement at any court event, such agreement may be put on the record without the need

for further court appearance.

### **Sec. 25-30. Statements To Be Filed**

(a) At least five business days before the hearing date of a motion or order to show cause concerning alimony, support, or counsel fees, or at the time a dissolution of marriage or civil union, legal separation or annulment action or action for custody or visitation is scheduled for a hearing, each party shall file, where applicable, a sworn statement substantially in accordance with a form prescribed by the chief court administrator, of current income, expenses, assets and liabilities. When the attorney general has appeared as a party in interest, a copy of the sworn statements shall be served upon [him or her] the attorney general in accordance with Sections 10-12 through 10-17. Unless otherwise ordered by the judicial authority, all appearing parties shall file sworn statements within thirty days prior to the date of the decree. Notwithstanding the above, the court may render pendente lite and permanent orders, including judgment, in the absence of the opposing party's sworn statement.

(b) At least [ten] five business days before the scheduled family special masters session, alternative dispute resolution session, or judicial pretrial, the parties shall serve on each appearing party, but not file with the court, written proposed orders, and, unless the matter is uncontested or the defendant has not appeared, at least [ten] five business days prior to the date of the final [limited contested or contested] hearing or trial, the parties shall file with the court and serve on each appearing party written proposed orders.

(c) The written proposed orders shall be comprehensive and shall set forth the party's requested relief including, where applicable, the following:

- (1) a parenting plan;
- (2) alimony;
- (3) child support;
- (4) property division;
- (5) counsel fees;
- (6) life insurance;
- (7) medical insurance; and
- (8) division of liabilities.

(d) The proposed orders shall be neither factual nor argumentative but shall, instead, only set forth the party's claims.

(e) Where there is a minor child who requires support, the parties shall file a completed child support and arrearage guidelines worksheet at the time of any court hearing concerning child support; or at the time of a final hearing in an action for dissolution of marriage or civil union, legal separation, annulment, custody or visitation.

(f) At the time of any hearing, including pendente lite and postjudgment proceedings, in which a moving party seeks a determination, modification, or enforcement of any alimony or child support order, a party shall submit an Advisement of Rights Re: **[Wage] Income Withholding Form (JD-FM-71).**

COMMENTARY: Subsection (a) has been amended to remove references to gender. Subsection (b) was amended to remove obsolete references to “limited contested” and “contested” matters, to include clarifying language regarding written proposed orders, and to change the time to exchange/file written proposed orders from ten to five days prior to the designated court event to be consistent with Section 25-50 (f). Subsection (f) was amended to correct the title of the JD-FM-71 form. All time periods in this section except for the requirement to file all statements thirty days prior to the date of the decree are designated as business days at the request of the bar.

### **Sec. 25-53. Reference of Family Matters**

In any family matter the court may, upon its own motion or upon motion of a party, refer any [contested, limited contested, or uncontested] matter for hearing and decision to a judge trial referee who shall have been a judge of the referring court. Such matters shall be deemed to have been referred for all further proceedings and judgment, including matters pertaining to any appeal therefrom, except that the referring court may retain jurisdiction to hear and decide any pendente lite or contempt matters.

COMMENTARY: This rule has been amended to delete obsolete references to case status.



## APPENDIX B

(103023)

### Sec. 13-29. —Place of Deposition

(a) Any party who is a resident of this state may be compelled by notice as provided in Section 13-27 (a) to give a deposition at any place within the county of such party's residence, or within thirty miles of such residence, or at such other place as is fixed by order of the judicial authority or as otherwise agreed. A plaintiff who is a resident of this state may also be compelled by like notice to give a deposition at any place within the county where the action is commenced or is pending.

(b) A plaintiff who is not a resident of this state may be compelled by notice under Section 13-27 (a) to attend at the plaintiff's expense an examination in the county of this state where the action is commenced or is pending or at any place within thirty miles of the plaintiff's residence or within the county of his or her residence or in such other place as is fixed by order of the judicial authority or as otherwise agreed.

(c) A defendant who is not a resident of this state may be compelled:

(1) By subpoena to give a deposition in any county in this state in which the defendant is personally served, or

(2) By notice under Section 13-27 (a) to give a deposition at any place within thirty miles of the defendant's residence or within the county of his or her residence or at such other place as is fixed by order of the judicial authority or as otherwise agreed.

(d) A nonparty deponent may be compelled by subpoena served within this state to give a deposition at a place within the county of his or her residence or within thirty miles of the nonparty deponent's residence, or if a nonresident of this state within any county in this state in which he or she is personally served, or at such other place as is fixed by order of the judicial authority or as otherwise agreed including the non-party.

(e) In this section, the terms "plaintiff" and "defendant" include officers, directors and managing agents of corporate plaintiffs and corporate defendants or other persons designated under Section 13-27 (h) as appropriate.

(f) If a deponent is an officer, director or managing agent of a corporate party, or other person designated under Section 13-27 (h), the place of examination shall be determined as if the residence of the deponent were the residence of the party.

### **Sec. 13-30. —Deposition Procedure**

(a) Examination and cross-examination of deponents may proceed as permitted at trial. The officer before whom the deposition is to be taken shall put the deponent on oath and shall personally, or by someone acting under the officer's direction, record the testimony of the deponent. The testimony shall be taken stenographically or recorded by any other means authorized in accordance with Section 13-27 (f). If the testimony is taken stenographically, it shall be transcribed at the request of one of the parties.

(b) All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted

by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. Every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer to the deponent and, at the request of the questioning attorney, shall include a clear statement as to any defect in form or other basis of error or irregularity. A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation directed by the court, or to present a motion under subsection (c) of this section. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition and the party shall transmit the questions to the officer, who shall propound them to the witness and record the answers verbatim.

(c) At any time during the taking of the deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending may order the officer conducting the examination forthwith to cease taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Section 13-5. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending.

(d) If requested by the deponent or any party, when the testimony is fully transcribed the deposition shall be submitted to the deponent for examination and shall be read to or by the deponent. Any changes in form or substance which the deponent desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the deponent for making them. The deposition shall then be signed

by the deponent certifying that the deposition is a true record of the deponent's testimony, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the deponent within thirty days after its submission to the deponent, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the deponent or the fact of the refusal or failure to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless, on a motion to suppress under Section 13-31 (c) (4), the judicial authority holds that the reasons given for the refusal or failure to sign require rejection of the deposition in whole or in part.

(e) The person recording the testimony shall certify on the deposition that the witness was duly sworn by the person, that the deposition is a true record of the testimony given by the deponent, whether each adverse party or his agent was present, and whether each adverse party or his agent was notified, and such person shall also certify the reason for taking the deposition. The person shall then cause a watermark or other indicia of origin to be added to the deposition and shall then promptly deliver it to the party at whose request it was taken and give to all other parties a notice that the deposition has been transcribed and so delivered. The party at whose request the deposition was taken shall file the deposition with the court at the time of trial.

(f) Documents and things produced for inspection during the examination of the deponent, 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 (1) the person producing the materials may substitute copies to be marked for identification, if the person affords to all parties fair opportunity to verify the copies by

comparison with the originals, and (2) 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 to the court, pending final disposition of the case.

(g) The parties may [stipulate in writing and file with the court] agree, or the court may upon motion order, that a deposition be taken by telephone, videoconference, or other remote electronic means. For the purposes of Sections 13-26 through 13-29 and this section, such a deposition is deemed taken at the place where the deponent is to answer questions. Except as otherwise provided in this subsection, the rules governing the practice, procedures and use of depositions shall apply to remote electronic means depositions. The following additional rules, unless otherwise agreed, [in writing by the parties] or ordered by the court, shall apply to depositions taken by remote electronic means:

(1) The [deponent shall be in the] presence of the officer administering the oath and recording the deposition may be remote to the deponent. An officer may administer an oath by means of an interactive audiovisual device to any party, witness or other participant in a proceeding who appears pursuant to this section, provided such officer can see, hear and clearly identify the participant to whom the oath is to be administered via the audiovisual device.

[(2) Any exhibits or other demonstrative evidence to be presented to the deponent by any party at the deposition shall be provided to the officer administering the oath and all other parties prior to the deposition.]

~~[(3)]~~ (2) Nothing in subsection (g) shall prohibit any party from being with the deponent during the deposition, at that party's expense; provided, however, that a party attending a deposition shall give written notice of that party's intention to appear at the deposition to all other parties within a reasonable time prior to the deposition.

~~[(4)]~~ (3) The party at whose instance the remote electronic means deposition is taken shall pay all costs of the remote electronic means deposition for the transmission from the location of the deponent and one site for participation of counsel located in the judicial district where the case is pending together with the cost of the stenographic, video or other electronic record. The cost of participation in a remote electronic means deposition from any other location shall be paid by the party or parties participating from such other location.

(h) Notwithstanding this section, a deposition may be attended by any party by remote electronic means even if the party noticing the deposition does not elect to use remote electronic means if (1) a party desiring to attend by remote electronic means provides written notice of such intention to all parties in either the notice of deposition or a notice served in the same manner as a notice of deposition and (2) if the party electing to participate by remote electronic means is not the party noticing the deposition, such party pays all costs associated with implementing such remote electronic participation by that party.

(i) Nothing contained in any provision providing for the use of remote electronic means depositions shall prohibit any party from securing a representative to be present at the location where the deponent is located to report on the record any events which

occur in that location which might not otherwise be transmitted and/or recorded by the electronic means utilized.

(j) The party on whose behalf a deposition is taken shall bear the cost of the original transcript, and any permanent electronic record including audio or videotape. Any party or the deponent may obtain a copy of the deposition transcript and permanent electronic record including audio or videotape at its own expense.

**Sec. 13-32. [Stipulations] Agreements regarding Discovery and Deposition Procedure**

Unless the court orders otherwise, the parties may [by written stipulation] agree (1) [provide that] depositions may be taken before any person, at any time or place, upon any notice, and in any manner, and when so taken may be used as other depositions, and (2) modify the procedures provided by this chapter for other methods of discovery.