

151st CIVIL DISTRICT COURT
HARRIS COUNTY, TEXAS
SPECIAL STANDING ORDER NO. _____

STATE OF TEXAS)
)
COUNTY OF HARRIS)

Time: MAR 24 2020
By: _____
Deputy: _____
Harris County, Texas

FILED
Marilyn Burgess
District Clerk

ORDER REGARDING REMOTE ORAL DEPOSITIONS BY VIDEOCONFERENCE

Pursuant to 199.1(b) of the Texas Rules of Civil Procedure (the "Rules"), "a party may take an oral deposition by telephone or other remote electronic means if the party gives reasonable prior written notice of intent to do so." In addition, the Texas Supreme Court's First Emergency Order Regarding the Covid-19 State of Disaster ("First Emergency Order"), subject only to constitutional limitations and without a participant's consent, authorized all courts in Texas: (a) "[m]odify or suspend any and all deadlines and procedures, whether by prescribed by statue, rule or order"; (b) "[a]llow or require anyone involved in any... deposition ... including but not limited to a party, attorney, witness, or court reporter...to participate remotely, such as by teleconferencing, videoconferencing, or other means"; and (c) "[c]onsider as evidence... sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means."

In light of the Texas Supreme Court's First Emergency Order, and in the interest of the safety and welfare of the public, attorneys, court reporters, and clients amid the ongoing concerns and escalation of COVID-19, balanced with the important interest of litigants to keep cases moving forward, this Court ORDERS the following:

1. All oral depositions may be taken, and all authorized participants may participate, by remote video connection.
2. All notices of an intent to take an oral deposition by remote video connection must specify how to access and utilize the remote video connection (i.e., Zoom or other video conference application). The notice must also specify where the witness will be located when answering questions at the time of the deposition.
3. If the witness does not have the capability to access and utilize the remote video connection specified in the notice, then the party noticing the deposition must provide the witness with appropriate access or equipment

necessary for the remote video connection. The witness or their representative must advise the noticing party of their lack of access or equipment as soon as practicable after receiving the deposition notice.

4. It shall not be grounds for a motion to quash or protection that a party, attorney, witness, court reporter, or other authorized person under the Rules, does not agree to the remote deposition, and wishes to attend the oral deposition in person. Such a motion, asserting solely those grounds, shall not stay the deposition.
5. The witness may be placed under oath remotely and the person administering the oath need not be present with the witness. The person administering the oath must be authorized to administer oaths in their own jurisdiction.
6. Any such oral depositions given or taken remotely or by remote video connection may be considered as evidence at any trial or hearing. Upon motion or objection setting forth the specific reason(s) why the deposition cannot be considered fair or reliable, the Court may, in its discretion, exclude all or a portion of the oral deposition.
7. A copy of this Order must be attached to any notice of intent to take an oral deposition in all cases in this Court, but the failure to attach such notice will not be grounds for a motion to quash or protection.
8. A party may request to opt-out of this ORDER with a motion setting forth the specific reason(s) why certain specific deponents or depositions should not be subject to this ORDER. A request to opt-out shall not affect this ORDER while pending.

SIGNED, ENTERED AND ORDERED this 24th day of March, 2020.

/s/ Mike Engelhart
JUDGE MIKE ENGELHART