

**Rule 28-II. Appointment of Examiner to Take Testimony of a Witness Residing Outside the District of Columbia; Commissions**

(a) APPOINTMENT OF EXAMINER; ISSUING COMMISSION. Any party to a civil action pending in this court may file with the court a motion for appointment of an examiner to take the testimony of any witnesses who reside outside the District of Columbia. If the motion is granted, the court must appoint an examiner to take the testimony of such witnesses as are designated in the order of appointment and must issue a commission to the examiner who will take the testimony in the manner prescribed by these rules.

(b) MOTION REQUIREMENTS. A motion for appointment of an examiner must state:

(1) the name and address of each witness sought to be deposed; and

(2) the reasons why the testimony of such witness is required in the action.

(c) SERVICE OF THE MOTION; OPPOSITIONS. The motion must be served on all other parties to the action who may within 7 days file an opposition to the motion as prescribed by Rule 12.

**COMMENT TO 2017 AMENDMENTS**

The substance of this rule is substantially similar to former Rule 28-I(a) and is derived from D.C. Code § 14-104 (2012 Repl.).