

**HOW TO TAKE A DEPOSITION OF A WITNESS IN MIAMI-DADE COUNTY WHEN THE LAWSUIT IS PENDING IN ANOTHER STATE.**

**PURPOSE:** To provide a method of enforcement, via contempt proceedings, should the witness not comply.

**THE FOLLOWING TWO DOCUMENTS ARE REQUIRED:**

- A copy of a Court Order, from the Court with original jurisdiction, authorizing the taking of the deposition and appointing someone locally to take it. (This person is usually a Court Reporter or some one authorized to administer oaths.)
- An original Notice of taking Deposition demonstrating that the deposition has been lawfully noticed.

**HOW TO TAKE A DEPOSITION, WHERE ONLY RECORDS ARE TO BE PRODUCED IN MIAMI-DADE COUNTY, WHEN THE LAWSUIT IS PENDING IN ANOTHER STATE. (NO TESTIMONY IS TAKEN-ONLY RECORDS PRODUCED.)**

**PURPOSE:** To provide a method of enforcement, via contempt proceedings, should the deponent fail to produce records.

**THE FOLLOWING TWO DOCUMENTS ARE REQUIRED:**

- A copy of a Court Order from the Court of original jurisdiction, authorizing the deposition for the records.
- An original Notice of Taking Deposition , demonstrating that the deposition has been lawfully noticed.

**PROCESS:**

In both instances, ~~the~~ CIVIL COVER SHEET, ~~the~~ copy of the ORDER OF COMMISSION or LETTER OF ROGATORY from the Court with original jurisdiction, and a NOTICE OF TAKING DEPOSITION, shall be submitted to the Clerk with a filing fee of \$401.00. The Clerk will treat the Order/Letter a a "COMPLAINT" and assign it a Circuit Court case number as a judge.

The next step is the preparation of the SUBPOENA. A standard Florida Subpoena form is prepared by either a local attorney who may be assisting the out of state firm, the person designated in the Order/Letter to take the deposition (if any), or by the Clerk.

If the Subpoena is prepared by an attorney or anyone other than the Clerk, a \$2.00 fee for the issuance of the Subpoena must be submitted to the Clerk. If the Clerk prepares the Subpoena, an additional fee of \$7.00 must be submitted.

**SERVICE;**

Service may be obtained either through the Civil Process Bureau of the Miami-Dade Police Dept., for a fee of \$20.00, or through a private Certified Process Server. If you need help with service you may contact the Civil Process Bureau at (305) 375-5100. If you need help contacting a private Certified Process Server, you may contact Mr. Walter Cordle in the Court Administrators Office at (305) 349-7707.

**Authority for this information is contained in Florida Statutes 28.24 and 92.251, the Florida Rules of Civil Procedures that govern discovery and the Clerk's Attorney Legal Opinions #87-04, #90-01 and #90-02.**