



Proposed Changes to Rule 30(b)(6)

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Rule 30(b)(6) was adopted to provide an efficient method of obtaining binding testimony from a large organization. The testimony must come from a witness who has been properly prepared to address the matters identified in the notice. A corporation must not be allowed to change the testimony of its designee, except under circumstances where there is new information that the corporation could not have had at the time of the testimony. Otherwise, corporations will simply fail to provide the information. As the court in *Rainey v. American Forest and Paper Ass'n*, 26 F.Supp.2d 82, 95 (D.C. 1998) held, "the rule aims to prevent a corporate defendant from thwarting inquiries during discovery, then staging an ambush during a later phase of the case." Changing the rule would both unnecessarily increase discovery costs and lead to additional gamesmanship. The rule is fine as it is and should not be changed.

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