

Thurston County Clerk's Office Procedure

Foreign Depositions for Local Actions

~ File in Existing Thurston County Case for out-of-state Deposition

When an attorney or litigant wants to depose an individual who lives out of state on a Thurston County case, the person may secure a Subpoena according to the laws of such state. Normally, a Commission from Thurston County is needed to allow the foreign deposition to issue.

Appropriate Documentation. The following pleadings are normally filed or presented by an attorney requesting a deposition out-of-state, using the Thurston County Cause Number:

1. Petition (or motion and declaration) for Commission to Take Out-of-State Deposition (original + 1 to conform)
2. Notice of Taking Deposition outside of state (original + 1)
3. Notice of Issue **OR** If ex parte presentation:
 - If ex parte, in addition to the above Petition and Notice, also send items set forth in Item Nos. 4 and 5 below, **\$30 ex parte fee, and certified copy fees.**
 - If ex parte, in emergency situations only, if Clerk's Office is sending it directly to the other state, also need:
 - (1) Letter and preaddressed, stamped envelope to receiving state
 - (2) Conformed copy of Thurston County's Petition and Notice, if needed by other state
 - (3) The other state's pleadings and fees--Order Directing Subpoena to Issue, Deposition Subpoena to be issued, any other pleadings the other state needs, the other state's fees, any witness fees, etc.
4. Order Granting Commission to Take Deposition Out of State (original + 1) If the Clerk is directed to issue the Commission, include "CLERK'S ACTION REQUIRED." **Fees for certified copies apply.**
5. Commission to Take Deposition Outside the State of Washington (original + 1) **Fees for certified copies apply.**
6. Preaddressed, stamped envelope and extra copies to return conformed copies.

CR 45(d)(3)