

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \*

IN THE MATTER OF THE AMENDMENT)

SDCL 15-6-30(d)

)

RULE 06-23

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A hearing was held on February 16, 2006, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-30(d), and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-30(d) be and it is hereby amended to read in its entirety as follows:

SDCL 15-6-30(d). Schedule and duration-Motion to terminate or limit examination.

Any objection during a deposition must be stated concisely and in a non-argumentative and non-suggestive manner. A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation directed by the court, or to present a motion under § 15-6-30(d)(4).

Unless otherwise authorized by the court or stipulated by the parties, a deposition is limited to one day of seven hours. The court must allow additional time if needed for a fair examination of the deponent or if the deponent or another person, or other circumstance, impedes or delays the examination.

- (3) If the court finds that any impediment, delay, or other conduct has frustrated the fair examination of the deponent, it may impose upon the persons responsible an appropriate sanction, including the reasonable costs and attorney's fees incurred by any parties as a result thereof.
- 4 At any time during a deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such

manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the court in the circuit where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in § 15-6-26 (c). If the order made terminates the examination, it may be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition must be suspended for the time necessary to make a motion for an order. The provisions of § 15-6-37(a)(4) apply to the award of expenses incurred in relation to the motion.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2006.

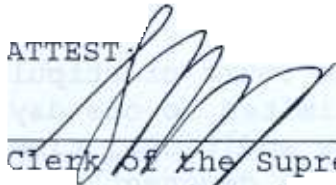
DATED at Pierre, South Dakota, this 17th day of March 2006

BY THE COURT



David Gilbertson, Chief Justice

ATTEST:



Clerk of the Supreme Court  
(SEAL)

**SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED**

**MAR 17 2006**

  
Clerk