

## **22 NYCRR § 202.20-d**

This document reflects those changes received from the NY Bill Drafting Commission through August 1, 2025

**NY - New York**

**Codes, Rules and Regulations** >

**TITLE 22. JUDICIARY** >

**SUBTITLE A. JUDICIAL ADMINISTRATION** >

**CHAPTER II. UNIFORM RULES FOR THE NEW YORK STATE TRIAL COURTS** >

**PART 202. UNIFORM CIVIL RULES FOR THE SUPREME COURT AND THE COUNTY COURT**

### **§ 202.20-d Depositions of entities; identification of matters**

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**(a)** A notice or subpoena may name as a deponent a corporation, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

**(b)** Notices and subpoenas directed to an entity may enumerate the matters upon which the person is to be examined, and if so enumerated, the matters must be described with reasonable particularity.

**(c)** If the notice or subpoena to an entity does not identify a particular officer, director, member or employee of the entity, but elects to set forth the matters for examination as contemplated in section (b) of this Rule, then no later than ten days prior to the scheduled deposition:

**(1)** the named entity must designate one or more officers, directors, members or employees, or other individual(s) who consent to testify on its behalf;

**(2)** such designation must include the identity, description or title of such individual(s);  
and

- (3)** if the named entity designates more than one individual, it must set out the matters on which each individual will testify.
- (d)** If the notice or subpoena to an entity does identify a particular officer, director, member or employee of the entity, but elects to set forth the matters for examination as contemplated in section (b) of this Rule, then:
- (1)** pursuant to CPLR 3106(d), the named entity shall produce the individual so designated unless it shall have, no later than ten days prior to the scheduled deposition, notified the requesting party that another individual would instead be produced and the identity, description or title of such individual is specified. If timely notification has been so given, such other individual shall instead be produced;
  - (2)** pursuant to CPLR 3106(d), a notice or subpoena that names a particular officer, director, member, or employee of the entity shall include in the notice or subpoena served upon such entity the identity, description or title of such individual; and
  - (3)** if the named entity, pursuant to subsection (d)(1) of this Rule, cross-designates more than one individual, it must set out the matters on which each individual will testify.
- (e)** A subpoena must advise a nonparty entity of its duty to make the designations discussed in this Rule.
- (f)** The individual(s) designated must testify about information known or reasonably available to the entity.
- (g)** Deposition testimony given pursuant to this Rule shall be usable against the entity on whose behalf the testimony is given to the same extent provided in CPLR 3117(2) and the applicable rules of evidence.
- (h)** This Rule does not preclude a deposition by any other procedure allowed by the CPLR.

**Section statutory authority:**

Civil Practice Law & Rules, § 3106. Section statutory authority: Civil Practice Law & Rules, § 3117

**History**

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Added 202.20-d(effective 02, 01, 21) on 2/10/21.

NEW YORK CODES, RULES AND REGULATIONS

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