**{{p include\_docx\_template(‘docassemble.UsTxFamilyLaw:dwq\_case\_style.docx’)}}**

**DEPOSITION ON WRITTEN QUESTIONS**

**[{{subpoena.witness.name\_full()}}]**

1. Please state your full name, occupation, official title, business address, and telephone number.
   1. NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
   2. OCCUPATION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
   3. TITLE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
   4. ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
   5. TELEPHONE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Are you the custodian of records for {{subpoena.witness.name\_full()}}?
   1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. As custodian of records for {{subpoena.witness.name\_full()}}, are you familiar with whether {{subpoena.witness.name\_full()}} maintains records of its business activities?
   1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. Are the records of {{subpoena.witness.name\_full()}} kept under your care, supervision, custody, or control?
   1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
5. Have you received a Subpoena Duces Tecum for the production of the documents described on Exhibit A, attached hereto, from {{subpoena.beginning\_production\_date}}, through the date of the response?
   1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
6. Were the requested records transmitted to your files, and did you maintain the records as part of your duties as the custodian of records for {{subpoena.witness.name\_full()}}?
   1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
7. Are you able to identify these records as the originals or true and correct copies of the originals?
   1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
8. Were these records made and kept in the regular course of {{subpoena.witness.name\_full()}}’s business?
   1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
9. In the regular course of {{subpoena.witness.name\_full()}}’s business, did the person who signed, produced, or filed the records and reports *either* have personal knowledge of the entries shown on the records and reports *or* obtain the information to make the entries from sources who have such personal knowledge?
   1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
10. Were such memoranda or documents then transmitted to your files and thereafter maintained under your care, supervision, direction, custody, control, or access as custodian of records?
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
11. Were the memoranda or documents that were transmitted to your files original entries on the part of the Custodian or other employee or member of the staff of this facility?
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
12. Were the records or documents prepared at or about the time of the events and conditions they record?
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
13. Were these records kept as described in the previous questions?
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
14. Please examine copies of the original records. Have you produced records for attachment to this Deposition?
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
15. Has anything been removed from or altered in the original records before making these copies?
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
16. If you have answered the previous question “yes,” please state fully and precisely what alteration was made in the original records and attach copies of every document removed from the original records.
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
17. In the event that no records can be found, are there document archives (i.e. microfiche, off-site electronic or paper files) or document retention policies which explain their absence? If so, please identify who has knowledge of those archives or policies.
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
18. Have you been requested or directed by any person to withhold or protect, for any reason, the records identified in {{case.client.name\_full()}}’s subpoena? Has any person suggested that you should withhold or protect the records identified in {{case.client.name\_full()}}’s subpoena? If so, please state the name and address of the person who conveyed this information to you and when such event occurred.
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
19. Do you know or have reason to believe that the records identified in {{case.client.name\_full()}}’s subpoena have in any manner been edited, purged, culled, or otherwise altered? If so, please identify the records and explain why and how they were altered or removed.
    1. ANSWER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
20. Are you aware that it may be necessary to subpoena you to court at the time of trial if you have not provided all of the papers, notes, documents, records, general correspondence, or other tangible items of any kind pertaining to the above-named individual to the Notary Public taking your deposition?
    1. ANSWER: (circle one) YES NO

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do swear or affirm that my answers to the above questions are the truth, the whole truth, and nothing but the truth.

Custodian of Records

|  |  |
| --- | --- |
| STATE OF {{subpoena.witness.mailing\_address.state\_name}} | § |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY | § |

Before me, the undersigned notary, on this day personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the “Custodian of Record”), the custodian of records for {{subpoena.witness.name\_full()}}, whose identity is known to me. After I administered an oath, the custodian testified to the foregoing answers. I hereby certify that these answers were sworn to and subscribed before me by the Custodian of Record on this date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Notary Public in and for the State of {{subpoena.witness.mailing\_address.state\_name}}

{{p include\_docx\_template(‘docassemble.UsTxFamilyLaw:dwq\_exhibit\_a.docx’)}}