

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

**IN RE: AMENDMENT TO COURT OF CHANCERY RULES,
 SECTION V, RULE 28.**

This 23rd day of April, 2018, IT IS HEREBY ORDERED that the Court of Chancery Rules, Section V, Rule 28 shall be amended, effective July 1, 2018.

Rule 28. Persons before whom depositions may be taken.

(a) Within the United States. — Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken (1) before an officer authorized to administer oaths by the laws of the place where the examination is held, or (2) before such person or officer as may be appointed by commission or under letters rogatory.

(b) In foreign countries. — Depositions may be taken in a foreign country (1) pursuant to any applicable treaty or convention, or (2) pursuant to a letter of request (whether or not captioned a letter rogatory), or (3) on notice before a person authorized to administer oaths in the place where the examination is held, either by the law thereof or by the law of the United States, or (4) before a person commissioned by the Court, and a person so commissioned shall have the power by virtue of the commission to administer any necessary oath and take testimony. A commission or a letter of request shall be issued on application and notice and on terms that are just and appropriate. It is not requisite to the issuance of a commission or a letter of request that the taking of the deposition in any other manner is impracticable or inconvenient; and both a commission and a letter of request may be issued in proper cases. A notice of commission may designate the person before whom the deposition is to be taken either by name or descriptive title. A letter of request may be addressed “To the Appropriate Authority in (here name the country).” When a letter of request or any other device is used pursuant to any applicable treaty or convention, it shall be captioned in the form prescribed by that treaty or convention. Evidence obtained in response to a letter of request need not be excluded merely because it is not a verbatim transcript, because the testimony was not taken under oath, or because of any similar departure from the requirements for depositions taken within the United States under these Rules.

(c) Disqualification for interest. — No depositions shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a

relative or employee of such attorney or counsel, or is financially interested in the action.

(d) Notice of deposition not requiring commission. — Notices of deposition to be taken by an officer without a commission shall include citation to the legal authority that confers the powers of the officer to administer any necessary oath and take testimony.