

**IN THE
SUPREME COURT OF PENNSYLVANIA**

IN RE: Amendment of Rule of : No. 303
Civil Procedure 4007.1 Governing : Civil Procedural Rules
Procedure in Depositions : Docket No. 5

O R D E R

PER CURIAM:

AND NOW, this 4th day of August, 1998, Pennsylvania Rule of Civil Procedure 4007.1 is amended to read as attached hereto.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 1999.

NOTE:

Underscored material is added.

Rule 4007.1. Procedure in Deposition by Oral Examination

...

(f) An application for an order pursuant to Section 5326(a) of the Judicial Code may be filed only in the county in which the person who is the subject of the order resides, is employed or regularly transacts business in person.

NOTE: Section 5326 of the Judicial Code, 42 Pa.C.S. § 5326, a part of the Uniform Interstate and International Procedure Act, provides for assistance to tribunals and litigants outside the Commonwealth.

Explanatory Comment

Section 5326 of the Judicial Code, 42 Pa.C.S. § 5326, relating to "Assistance to tribunals and litigants outside this Commonwealth with respect to depositions" provides:

(a) General Rule.-- A court of record of this Commonwealth may order a person who is domiciled or is found within this Commonwealth to give his testimony or statement or to produce documents or other things for use in a matter pending in a tribunal outside this Commonwealth. ...

New subdivision (f) of Rule 4007.1 responds to the concern that there should be a limitation upon the county from which an order may be sought so that the person who is the subject of the order is not put to unreasonable expense or burden. A resident of Erie should not have to travel to Easton to object to an order obtained in connection with litigation outside the Commonwealth.

By the Civil Procedural
Rules Committee

Edwin L. Klett
Chairman