

Mark Kosieradzki

30(b)(6) Deposing Corporations, Organizations & the Government: Planning through Trial

Friday, May 11, 2018

Windjammer Conference Center, South Burlington

8:30 am - Registration 9:00 am - 4:30 pm - Program

5.0 MCLE Credits Open to All Attorneys

AGENDA

Welcoming Remarks and Introduction

Critical Thinking & Deposition Planning

- Understanding the Legal Framework
- Legal Proof v Jury Proof
- Identifying Landmine & rebuttals
- Crafting your Case Rules
- Developing the Written Plan

30(b)(6): Depositions by Issue Designation

- Rule
- Organizations
- Party v Non-party

BREAK: 10:00am – 10:15am

Duties of Designating Party

- Duty to Object to Notice
- Timeliness
- Motion for Protective order – meet & confer
- Duty to Appear
- Duty to Designate
- Duty to Prepare
- Institutional v. individual knowledge
- Reasonably available information
- Privilege Waiver
- Duty to Substitute

LUNCH ON YOUR OWN 12:15pm – 1:15pm

Crafting the 30(b)(6) Notice

- Duties of Requesting Party
- Reasonable Particularity Standards
- Matters of Inquiry: Claims, defenses, contentions, positions

Scope of Inquiry (ethics)

- Understanding the legal principles
- Instructions not to answer

Motions to Compel and Sanctions

The Document Deposition: 30(b)(6), 30(b)(2) & Rule 34

- Merging the rules to establish full disclosure of case critical documents
- Neutralizing objections

Using 30(b)(6) To Narrow your ESI Requests

Binding Effect

- Understanding the legal principles
- What to do with the unprepared witness
- Locking down Positions

BREAK: 3:15pm – 3:30pm

Logistics

- Party v non-party
- Multiple Designees
- Number of 30(b)(6) depositions
- Length of 30(b)(6) depositions
- Designee v. Individual
- Location

Using 30(b)(6) at Trial

- Evidentiary issues
- Party v Non-party 30(b)(6)
- Changing testimony
- Experts bound by 30(b)(6) testimony



Mark Kosieradzki, Kosieradzki Smith law firm, Minneapolis, MN is recognized as one of the country's leading authorities on the use of 30(b)(6) depositions. He is the author of *30(B)(6): Deposing Corporations, Organizations & the Government*, published by Trial Guides.

Mark has joined trial teams throughout the United States, assisting them with all aspects of the 30(b)(6) depositions in their cases. His experience covers a wide variety of wrongful death and catastrophic injury cases,

including malpractice, bad faith, construction injuries, nursing home abuse, interstate trucking accidents, and products liability.

He is recognized in the "Best lawyers in America". The National Board of Trial Advocacy and the Minnesota State Bar Association certified Mark as a Civil Trial Specialist. He is a member of the Multi-Million Dollar Advocates Forum. He is a past president of the Minn. Assoc. for Justice, and a past president of the Minnesota Chapter of the American Board of Trial Advocates (ABOTA)

When Mark turned 50, he had a midlife crisis and started playing the blues harmonica.

The Vermont Association for Justice Presents:

Mark Kosieradzki

30(b)(6): Deposing the Corporate Representative - Advanced Deposition Strategy & Practice

Rule 30(b)(6) is the most underused and misunderstood weapon in the arsenal of a trial lawyer. It is not just for major corporate litigation. It can be used in any case where it is necessary to get information from an organization, even if they are not a party!

This program will show you how to cut to the chase and get the information necessary to win your case. Harnessing the power of 30(b)(6) requires thoroughly understanding the law, then crafting airtight 30(b)(6) notices, and then asking the correct questions to build a record to expose the adversary's obstruction. When properly executed, 30(b)(6) can be analogized to jujitsu. The power comes from deflecting the adversary's obstructive conduct back upon them. This advanced deposition program enables David to face Goliath without fear.

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Registration for the Mark Kosieradzki Rule 30(b)(6) Seminar

- VTAJ Members \$399
- VTAJ Paralegal Members \$199
- VTAJ Public Service Mmbrs \$ 219
- VLS Faculty/Student Mmbrs \$119
- Non-member \$449

NOTE: Your Registration Fee Includes Mark's indispensable book:

***30(b)(6): Deposing the Corporate Representative -
Advanced Deposition Strategy & Practice***

Registrant: _____ Email: _____

Total \$ _____ Visa, MasterCard, AMEX# _____

Exp _____ CCV# _____ Signature _____

**To Register: FAX (802-861-7995) or EMAIL (vtaj@vermontjustice.org)
or mail form with check to: VTAJ, 1 Main Street #305, Burlington VT 05401**