

Vernon's Annotated Missouri Rules
Supreme Court Rules
Rules of Civil Procedure
Part I. Rules Governing Civil Procedure in the Circuit Courts
Rule 57. Interrogatories and Depositions (Refs & Annos)

Supreme Court Rule 57.07

57.07. Use of Depositions in Court Proceedings

Currentness

(a) Use of Depositions. Any part of a deposition that is admissible under the rules of evidence applied as though the deponent were testifying in court may be used against any party who was present or represented at the taking of the deposition or who had proper notice thereof. Depositions may be used in court for any purpose.

(b) Objections--Effect of Errors and Irregularities in Depositions.

(1) *Regarding the Notice.* An objection to an irregularity in a deposition notice shall be made promptly by written notice served on all parties before the deposition starts; otherwise, the objection is waived.

(2) *Regarding the Officer.* An objection to a deposition because the officer before whom it is to be taken is not qualified shall be made before the deposition begins or as soon thereafter as the officer's lack of qualification becomes known or could have been discovered with reasonable diligence; otherwise, the objection is waived.

(3) *Regarding the Competency of the Deponent.* An objection to a deponent's competency is not waived by failing to make an objection before or during the deposition unless the basis for the objection could have been removed if the objection had been presented before or during the deposition.

(4) *Regarding Conduct During the Deposition.* An objection to the competency, relevancy, or materiality of testimony is not waived by failure to object before or during the deposition. Errors and irregularities in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties and errors of any kind that might be cured if promptly presented are waived unless seasonable objection thereto is made during the deposition. Objections as to the form of written questions submitted under [Rule 57.04](#) are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other questions and within ten days after service of the last questions authorized.

(5) *Regarding Irregularities in Transcription.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, endorsed, transmitted, filed, or otherwise dealt with by the officer under [Rule 57.03](#) and [Rule 57.04](#) are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, discovered.

Credits

(Adopted March 29, 1974, eff. Jan. 1, 1975. Amended June 1, 1993, eff. Jan. 1, 1994; May 15, 1998, eff. Jan. 1, 1999; May 23, 2001, eff. Jan. 1, 2002.)

[Notes of Decisions \(148\)](#)

V.A.M.R. Rule 57.07, MO R RCP Rule 57.07
Current with amendments received through 3/15/12

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