

## EXERCISE

# DEFENDING A CORPORATE DEPOSITION

### *Background*

You are defending the deposition of a corporate witness. The witness is testifying about a number of noticed and negotiated topics, including your client's document retention policies. While being questioned about those policies, your witness is asked about whether one of your client's subsidiary's document retention policies materially differ from your client's policies.

Your witness is less familiar with the document retention policies of the subsidiary and the subsidiary is only tangentially related to the litigation. Your witness does not know how to answer the question asked about the subsidiary's policies and is looking to you.

### *Instructions*

Come prepared to discuss:

- What you would do in this situation;
- What outcomes you would try to avoid.