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Mr. Mike Catalano, Clerk
Tennessee Appellate Court
1000 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219

Re: Amendment to Tennessee Rules of Procedure and Evidence

Dear Mr. Catalano:

I wanted to comment concerning the proposed change to Rule 45.04. Very simply, Tennessee is a large state, and I believe that it could be very burdensome to allow taking of depositions by subpoena statewide. While this would be some hardship to individuals, it certainly would be a greater hardship to some of my business clients. For example, I recently had a case for a church organization that I represent that has forty churches in Tennessee and Kentucky and is headquartered in Goodlettsville, Tennessee. They were asked in a subpoena out of Henry County to appear there and produce church records that essentially would require them to search all forty of their church treasury reports at the individual churches which are not centralized. The requirement to take the deposition in your home county simplifies these types of matters so that the records that are being subpoenaed are at the location and facilitate discovery.

I would be in favor of the existing rule remaining or a modification that requires a one hundred mile radius rather than statewide access with subpoenas.

With best wishes, I remain

Very truly yours,

Helen S. Rogers

HSR/sa

The Wind in the Willows Mansion