

## **RULE 82. DEPOSITIONS BEFORE COMMENCEMENT OF CASE**

A person who desires to perpetuate testimony or to preserve any document, electronically stored information, or thing regarding any matter that may be cognizable in this Court may file an application with the Court to take a deposition for such purpose. The application shall be entitled in the name of the applicant, shall otherwise be in the same style and form as apply to a motion filed with the Court, and shall show the following: (1) The facts showing that the applicant expects to be a party to a case cognizable in this Court but is at present unable to bring it or cause it to be brought; (2) the subject matter of the expected action and the applicant's interest therein; and (3) all matters required to be shown in an application under paragraph (b)(1) of Rule 81 except item (H) thereof. Such an application will be entered upon a special docket, and service thereof and pleading with respect thereto will proceed subject to the requirements otherwise applicable to a motion. A hearing on the application may be required by the Court. If the Court is satisfied that the perpetuation of the testimony or the preservation of the document, electronically stored information, or thing may prevent a failure or delay of justice, then it will make an order authorizing the deposition and including such other terms and conditions as it may deem appropriate consistently with these Rules. If the deposition is taken, and if thereafter the expected case is commenced in this Court, then the deposition may be used in that case subject to the Rules which would apply if the deposition had been taken after commencement of the case.

(As effective October 3, 2008, [130 T.C. 449](#); as amended, effective January 1, 2010, [134 T.C. 347](#). For prior history, see [60 T.C. 1110–11](#) (1973); [93 T.C. 923](#) (1989); [109 T.C. 592–93](#) (1997).)