

SAMPLE CIVIL FORM 62

IN THE _____ COURT OF _____ COUNTY

A.B., Plaintiff)
v.)
C.D., Defendant)

CIVIL ACTION NO. _____

**MOTION TO COMPEL ANSWERS AT DEPOSITION
ON ORAL EXAMINATION**

The Plaintiff/Defendant moves the Court for an Order compelling (party or other deponent) to answer the questions propounded to him on the taking of his deposition on oral examination on (*date*) _____, before _____ at _____.

The witness refused to answer [the following questions:] [the questions appearing at pp. 10-12 of the transcript of the deposition of _____.]

This motion is based on the transcript of the deposition of _____, and all prior pleadings and proceedings.

Attorney for Plaintiff/Defendant

Address of Attorney

EXHIBIT A

State of Alabama)
County of _____)

_____, being duly sworn, deposes and says:

1. That he is a member of the law firm of _____, attorneys for the Defendant, and makes this affidavit in support of a Motion for an order requiring Plaintiff to answer certain questions propounded to him upon his examination before trial, held on (date) _____, pursuant to notice served on (date) _____ .

2. That a list of the questions which the Plaintiff refused to answer upon his deposition is attached hereto as Exhibit B.

3. That such questions are material and relevant to the issues herein, and answers thereto should be required. Certain of the questions designed to elicit the full conversation between the Plaintiff and his attorney, _____ were objected to on the ground of privilege. It is submitted that Plaintiff waived this privilege when he volunteered to give a portion of the conversations between _____ and himself on the subject.

The Plaintiff testified as follows:

[Here set out the substance of the Plaintiff's testimony as it relates to the failure to answer questions]

When Plaintiff was asked on further examination questions designed to bring out the entire conversation between Plaintiff and _____, the question of privilege was raised.

4. *[Here state briefly the gist of the Plaintiff's claim for relief.]*

5. *[Here set out any pertinent facts and reasons for the relief sought.]*

Wherefore, deponent submits that under the circumstances the Defendant is entitled to an order requiring the Plaintiff to answer the questions set forth in Exhibit B attached hereto, and that the Plaintiff be directed to appear for the completion of his deposition and answer the questions which he refused to answer on his original examination.

Affiant

Sworn to and subscribed before me this the _____ day of _____, 2_____

Notary Public

EXHIBIT B

1. Q. A moment ago I understood you to say that _____ reported that there was something not right. Now did he elaborate on what was not right?

MR. [*attorney*]: I object to the questions as being privileged between attorney and client.

[Here set out all of the questions and the objections thereto made the subject of the Motion.]

Attorney for Plaintiff/Defendant

Address