

DOCKET #: WWM-CV-21-5012142-S : **SUPERIOR COURT**
JANE DOE : **J.D. OF WINDHAM**
V. : **AT PUTNAM**
HYDE SCHOOL AT SOUTH WOODSTOCK, : **OCTOBER 22, 2024**
INC., ET AL

MOTION FOR COMMISSION TO TAKE
OUT-OF-STATE DEPOSITION

The plaintiff, through counsel and pursuant to Conn. Gen. Stat. § 52-148c(b) and Connecticut Practice Book § 13-28(a), respectfully moves for the appointment of a commission to issue a subpoena and take the out of state deposition of Duncan McCrann to be held on December 2, 2024 at 11:00 a.m. eastern standard time via Zoom or at another mutually agreeable time and date, and from day to day thereafter.

Furthermore, said plaintiff also requests a Commission to issue a subpoena for deposition upon the above-named witness pursuant to Connecticut General Statute §52-148e.

In support of this Motion, the plaintiff states that the deponent was an employee of the defendants at the time of the events that are the subject of the above captioned case. During the time of the abuse that the plaintiff suffered and that is the subject of this instant action, Duncan McCrann was the head of Hyde School and upon information and belief, is in possession of information highly relevant and necessary to pursue the plaintiff's claims. Upon information and belief, Duncan McCrann is no longer employed by the defendant and currently resides in Texas.

The plaintiff respectfully requests that this Court issue an order appointing a commission, in the form set forth in the attached proposed Order For A Commission, for this deposition to be taken before any duly-authorized person permitted to administer oaths and issue a subpoena in the state of Texas at the date and time arranged by counsel. The proposed commission to be issued by the Court accompanies this motion. If this Motion is granted the plaintiff will petition the proper district court in Texas to enforce the commission and use a subpoena and notice of deposition compelling Mr., McCrann's deposition in this lawsuit.

WHEREFORE, the plaintiff respectfully requests that this Court grant its Motion for Commission to Take the Deposition of an Out-of-State Third-Party Witness and enter an Order in the form of the Proposed Commission attached hereto.

THE PLAINTIFF,

By: /s/445083
Brandi Roberts, Esq.
Moore, O'Brien & Foti
891 Straits Turnpike
Middlebury, CT 06762
(203)272-5881
Juris No.: 445083

CERTIFICATION

I certify that a copy of this document was mailed or delivered electronically or non-electronically on **October 22, 2024** to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

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/s/445083
Brandi Roberts Esq.
Commissioner of the Superior Court

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COMMISSION TO TAKE OUT-OF-STATE DEPOSITION OF DUNCAN MCCRANN

TO: ANY DULY AUTHORIZED PERSON TO ADMINISTER OATHS AND ISSUE
SUBPOENAS IN THE STATE OF TEXAS

You are hereby appointed a commissioner, under the laws of the State of Connecticut and by order of the Superior Court of Connecticut, before whom the deposition of Duncan McCrann shall be taken in the above-entitled action now pending in the Superior Court.

Therefore, you are authorized and directed at the time and place set forth by Notice of Deposition, and on any other dates or times to which the taking of said deposition may be noticed or continued, to cause to come before you at such place or places in the state of Texas as may be noticed or agreed upon for the taking of this deposition, and then and there to answer the questions of any of the parties to the above-entitled action on oath or affirmation, concerning the matters in controversy in this case, the deponent to answer first the questions asked by the party requesting the deposition and afterward to answer questions asked by other parties.

YOU ARE FURTHER COMMISSIONED to have the testimony of said witness taken stenographically and by video, and to cause the same to be thereafter reduced to typewriting and subscribed by the deponent(s) and certified by them to be correct, and to annex thereto any and all papers and documents produced as hereinabove provided or produced or proved before you and marked as exhibits during such deposition; and, having completed said depositions to return the same as hereinafter more fully directed, together with this commission, to Brandi Roberts, Moore O'Brien & Foti, 891 Straits Turnpike, Middlebury, CT 06762, as promptly as may be.

The deposition should be captioned, headed, and introduced as follows:

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DEPOSITION OF: **Duncan McCrann**, taken before a notary public or other officer qualified to administer oaths pursuant to the State of Connecticut Practice Book, §§ 13-27 et seq., via Zoom telephone conference, deponent, having first been duly sworn, deposes and states as follows:

Following the foregoing introduction, you will cause the deposition to include the questions and answers and each and all of the same in the identical language used in said questions and answers.

The questions and answers should be appropriately designated according to the party or attorney asking the questions. One certificate, envelope and direction will answer for the entire deposition of the witness. Every document or other exhibit referred to in the deposition and annexed thereto should be signed or initialed by you or marked in some manner for identification. At the conclusion of the deposition, you will annex thereto your certificate in the following form:

STATE OF TEXAS)
COUNTY OF _____) ss: _____
)

Personally appeared before me this _____ day of _____, 2024,
_____, who made solemn oath (or affirmation) to the truth of
the same; which deposition was taken to be used in the above-entitled action now pending in
the Superior Court for the Judicial District of Windham at Putnam of the State of Connecticut;
the reason for taking said deposition being that said deponent is permanently located outside of
the State of Connecticut.

Subscribed and sworn to before me. (Commissioner Appointed by the Superior Court
for the Judicial District of Windham at Putnam, County of Windham, State of Connecticut).

Commissioner
Appointed by the Superior Court for the Judicial District
of Windham at Putnam, State of Connecticut

You will then place the deposition transcript in an unstamped envelope, seal the envelope, and endorse the envelope on the outside as follows:

Law Offices of Moore, O'Brien & Foti

891 Straits Turnpike, Middlebury, CT 06762

You will then promptly deliver said deposition to the party at whose request it was taken.

BY THE COURT

Dated: