

DEPOSITIONS IN EMPLOYMENT LAWSUITS

What happens at a plaintiff deposition, why it matters so much, how long it can last, and how the transcript follows the case.

THE ONE-SENTENCE RULE A deposition is sworn out-of-court testimony recorded for the lawsuit; the employee-plaintiff is usually the most important witness, and the resulting transcript can be used to test credibility, support motions, evaluate settlement, and prepare cross-examination at trial.

THE DEPOSITION DAY ROADMAP

Stage	What happens	Your job	Why it matters
Preparation	Review claims, chronology, key documents, likely topics.	Refresh memory; do not memorize a script.	Preparation improves accuracy without making testimony artificial.
Oath / ground rules	Court reporter administers oath; objections are stated on record.	Listen, pause, answer the question asked truthfully.	Deposition testimony is sworn testimony.
Questioning	Defense counsel asks about employment, claims, damages, history, documents.	Be precise, avoid guessing, ask for clarification when needed.	Admissions and inconsistencies can affect motions and trial.
Exhibits / breaks	Documents are marked; breaks occur during the day.	Read exhibits before answering; use breaks appropriately.	Documents often anchor later testimony.
Transcript / follow-up	Transcript is prepared; corrections may be permitted; more discovery may follow.	Review any transcript process carefully with counsel.	The written record can be quoted later in the case.

FIVE RULES ABOUT CALIFORNIA EMPLOYMENT DEPOSITIONS

1. Deposition testimony is under oath. California Code of Civil Procedure section 2025.330 requires the deposition officer to place the witness under oath or affirmation and provides for stenographic testimony unless otherwise agreed or ordered. CCP section 2025.330 2. Video recording is common when properly noticed. The noticing party may also record testimony by audio or video when the notice states that intention or the parties agree. CCP section 2025.330(c)	3. California employment depositions are excluded from the ordinary seven-hour statutory cap. The general seven-hour limit in section 2025.290 expressly does not apply to an employee or applicant action against an employer arising from the employment relationship. CCP section 2025.290(b) (4) 4. Transcript review can matter. When stenographically recorded, California procedure generally provides a period to review and make changes unless that process is waived or otherwise agreed. CCP section 2025.520 5. A deposition is discovery, not a closing argument. The goal is truthful testimony. Your lawyer prepares you for process and facts, but the witness supplies the answers.
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YOUR TESTIMONY BECOMES A CASE DOCUMENT - PREPARE ACCORDINGLY

Do	Do not	Expect
• Listen fully • Pause before answering • Say when you do not know • Read exhibits carefully • Correct genuine misunderstandings	• Guess • Volunteer speeches • Argue with counsel • Memorize a script • Hide bad facts from your lawyer	• Personal-history questions • Detailed chronology questions • Questions about damages • Long stretches of concentration • Breaks and repeated topics

THE DEPOSITION PREPARATION FILE

- ☐ Complaint and major factual allegations
- ☐ Chronology of key employment events
- ☐ Key emails, complaints, reviews, and termination documents
- ☐ Prior written discovery responses
- ☐ Damages and job-search records
- ☐ Medical or emotional-distress issues placed at issue in the case
- ☐ List of dates or details you genuinely do not remember

WHAT THE EMPLOYER WILL TEST	WHAT THE EMPLOYEE SHOULD SHOW
The transcript remembers the answer long after everyone else has gone home. Ask what document, witness, analysis, or contemporaneous explanation should exist if the company's position is genuine.	Preparation improves accuracy without making testimony artificial. • Deposition testimony is sworn testimony. • Admissions and inconsistencies can affect motions and trial.

RELATED RUGGLES LAW FIRM READING

- Employment Lawsuit Deposition: A Guide for Employees
- Employment Lawsuit Deposition: How to Succeed
- 42 Common Employment Lawsuit Terms
- Twelve Elements That Make a Strong Employment Lawsuit

CALIFORNIA STATUTES / REGULATIONS • Code of Civil Procedure section 2025.010	PUBLISHED CALIFORNIA CASES • Greyhound Corp. v. Superior Court, 56 Cal.2d 355 (1961)
 SCAN TO READ Employment Lawsuit Deposition: A Guide for RugglesLawFirm.com	OFFICIAL RESOURCES CCP 2025.290 CCP 2025.330 CCP 2025.520

"The Legislature intended to take the "game" element out of trial preparation while yet retaining the adversary nature of the trial itself."

— Greyhound Corp. v. Superior Court, 56 Cal.2d 355 (1961)

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