

**Rule 209. Failure to Attend or Serve Subpoena; Expenses**

**(a) Failure to Attend or to Proceed; Expenses.** If the party serving notice of the taking of a deposition fails to attend or to proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party serving the notice to pay to the other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

**(b) Failure to Serve Subpoena or Notice; Expenses.** If the party serving notice of the taking of a deposition fails to serve a subpoena or notice, as may be appropriate, requiring the attendance of the deponent and because of that failure the deponent does not attend, and if another party attends in person or by attorney because he expects the deposition of that deponent to be taken, the court may order the party serving the notice to pay to the other party the amount of the reasonable expenses incurred by him and his attorney in attending, including reasonable attorney's fees.

**(c)** For the purposes of this rule, attendance encompasses appearing in person, by attorney, or remotely, including by telephone or video conference.

[Amended Sept. 29, 2021, eff. Oct. 1, 2021.](#)

**Committee Comments**

Paragraphs (a) and (b) of this rule are former Rule 19-6(6), with a language revision in paragraph (b), but no change of substance.