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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY W. ROBINSON,
Plaintiff,
v.
COUNTY OF SAN JOAQUIN, et al.,
Defendants.

No. 2:12-cv-02783-CKD PS

ORDER

Plaintiff objects to defendant using plaintiff’s deposition at trial. (ECF No. 205.) Good cause appearing, THE COURT FINDS AS FOLLOWS:

Plaintiff asserts that he submitted signed corrections to his deposition, understanding that he would receive a full and corrected copy of the deposition. (ECF No. 205.) According to plaintiff, he did not receive a full and corrected copy, even though he “requested the deposition [from defendant] during discovery.” (Id.) Plaintiff alleges that “[d]efendant seeks to use incomplete answers to incomplete questions to mislead the Jury and the Court by withholding pages and selectively quoting answer[s].” (Id.)

FAILURE TO PROVIDE A COPY

The court does not consider any argument that defendant should have provided the corrected deposition during discovery. Discovery is closed. (See ECF No. 191 at 8-14.) Also, court reporters do not provide deposition copies for free—plaintiff would have had to order and

1 pay for it. Even assuming that the court reporter was somehow required to provide plaintiff with
2 a corrected copy and failed to do so, plaintiff's recourse would have been to compel production
3 during discovery. This is no longer an option. (See ECF No. 191 at 8-14.)

4 INCOMPLETE AND MISLEADING INFORMATION

5 Defendant states that it intends to offer the following portions of the transcript of
6 plaintiff's deposition: 110:9-114:5; 121:9-122:11; 128:12-131:1; 131:3-132:15. (ECF No. 214 at
7 2.) On June 3, 2019, defendant lodged with the court the sealed original transcript of plaintiff's
8 October 30, 2013 deposition. (See ECF No. 219.)

9 On June 5, 2019, the court reviewed the transcript, from Depobook Court Reporting
10 Services. The transcript is an original, read and signed by the court reporter, and includes
11 corrections submitted by plaintiff. The corrections from plaintiff are dated December 24, 2013,
12 and are listed in a document that is two pages long. Plaintiff did not submit any corrections on
13 any pages following page 101 of the deposition.

14 Defendant seeks to offer portions of the deposition from pages 110 through 132 (ECF No.
15 214 at 2), which were not corrected by plaintiff. Thus, plaintiff's argument that these portions of
16 the deposition include incomplete and misleading information is without support.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff's objection to the use of his deposition at trial (ECF No. 205) is
19 **OVERRULED**, without prejudice.
- 20 2. The court will reconsider plaintiff's objection, if plaintiff can **sufficiently**
21 **demonstrate with documentation** that:
 - 22 a. Plaintiff submitted additional corrections to the court reporter; and
 - 23 b. The corrections explicitly pertain to the portions of the deposition that
24 defendant intends to offer at trial.

25 Dated: June 6, 2019

26 
27 CAROLYN K. DELANEY
28 UNITED STATES MAGISTRATE JUDGE