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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS KINKEADE,  
Plaintiff,  
v.  
JEFFERY BEARD, et al,  
Defendants.

No. 2:15-cv-1375 TLN CKD P

ORDER

Counsel for the parties in the above-entitled civil rights action requested an informal telephone conference with the undersigned in order to resolve a discovery dispute concerning plaintiff’s counsel’s use of a video camera during defendant’s deposition. Defendant objected because the videotape could not be properly authenticated at trial without making plaintiff’s counsel a witness. After hearing argument from both sides, the court finds defendant’s objection to be well-taken and plaintiff’s authority cited during the conference call to be irrelevant to the ultimate admissibility issue. See Fed. R. Evid. 901(b)(1). Plaintiff’s counsel failed to address the foundational problems in admitting the videotape as evidence at trial. The court finds that the potential cost savings cited by plaintiff’s counsel as a reason for videotaping the deposition is not an adequate basis to warrant the use of this recording method, especially since the deposition will also be transcribed by a certified court reporter.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's counsel's request to use a personal video camera during defendant's deposition pursuant to Fed. R. Civ. P. 30(b)(3) is denied.

Dated: June 6, 2017

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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