

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM D. PAUL,
Plaintiff,
v.
AARON MILLHENCH, *et al.*,
Defendants.

Case No. [17-cv-07197-SI](#)

ORDER RE: DEPOSITIONS

Re: Dkt. No. 162

The parties have submitted a joint statement regarding a dispute that arose at the deposition of defendant Cather regarding objections made by defense counsel. Plaintiff seeks a protective order prohibiting counsel from making improper “speaking objections” and limiting objections to “form” unless an explanation is requested by examining counsel or unless necessary to protect a claim of privilege. Defense counsel asserts that her objections were proper and brief and that she did not coach the witness.

Federal Rule of Civil Procedure 30(c)(2) provides that an objection made during a deposition “must be stated concisely in a nonargumentative and nonsuggestive manner.” The Court has reviewed the deposition transcript and concludes that defense counsel’s objections largely complied with this requirement. Defense counsel objected to several questions on the ground that the questions called for expert rather than percipient testimony; the Court agrees that the questions, as phrased, could be interpreted as such. Defense counsel also objected to the manner in which the witness was being questioned (Page. 19); it is the Court’s view that plaintiff’s counsel can ask questions directed at ascertaining intent and what information was communicated between the officers in a different fashion.


The Court expects all future deposition objections to be succinct, nonargumentative and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

noncoaching. The Court also expects counsel to cooperate with each other. If further issues arise during the course of a deposition, counsel are instructed to pause the deposition and immediately contact the Court's deputy clerk by e-mail to determine whether a conference call with the Court can be arranged. The Court finds it unfortunate that the deposition of Officer Cather was terminated after only 30 minutes, as such practice is not in anyone's interest.

IT IS SO ORDERED.

Dated: June 5, 2020



SUSAN ILLSTON
United States District Judge