

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

MICHAEL RAY MADDEN, JR.

CIVIL ACTION NO. 5:13-CV-2667

VERSUS

JUDGE DONALD E. WALTER

CITY OF BOSSIER CITY, ET AL.

MAGISTRATE JUDGE HAYES

MEMORANDUM ORDER¹

Before the undersigned Magistrate Judge, on reference from the District Court, is an unopposed² Motion to Compel, [doc. # 41], filed by the Defendants in this matter. Defendants attempted to take the deposition of Chris Addison, a nonparty, on August 18, 2014. [doc. # 41-3]. According to Defendants, Addison “became visibly agitated and combative, and indicated that he did not want to talk” [doc. # 41-1, p. 1]. Defendants claim further that although Addison fully responded to questions from Plaintiff’s counsel, he “refused to answer defense counsel’s follow up questions, [] became increasingly erratic, indicated that he would not be truthful if forced to answer defense counsel’s questions, and [stated] that he was ill.” *Id.* Defense counsel stopped the deposition in order to seek the Court’s guidance. [doc. # 41-3, p. 143].

Defendants filed the instant Motion to Compel on October 8, 2014. [doc. # 41]. They seek leave to continue Mr. Addison’s deposition at the United States District Court for the Western District of Louisiana “to facilitate a more complete deposition in a safe environment for

¹ As this is not one of the motions excepted in 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this ruling is issued under the authority thereof, and in accordance with the standing order of this Court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

² See Notice of Motion Setting, [doc. # 42].

all parties.” *Id.* at 3. They also ask the Court to order Mr. Addison to respond truthfully and in detail to any and all questions. *Id.* Plaintiff, as mentioned, does not oppose the Motion.

Upon review, the Court finds that the deposition transcript corroborates Defendants’ contentions. In light of Addison’s erratic, antagonistic, and uncooperative behavior, and considering that the resumed deposition may become combative,

IT IS HEREBY ORDERED that Defendants’ Motion, [doc. # 41], is **GRANTED**, that Defendants may resume the deposition of Mr. Addison at the United States District Court for the Western District of Louisiana, 300 Fannin Street, Shreveport, Louisiana, 71101, and that the parties shall contact the Clerk of Court to obtain a suitable date and time for the deposition.

IT IS FURTHER ORDERED that upon obtaining an agreed-upon deposition date and time, Defendants shall serve Mr. Addison with a new subpoena and a copy of this Order.

IT IS FURTHER ORDERED that Mr. Addison shall attend the deposition and answer all questions truthfully and in detail, unless a refusal to answer would preserve a valid privilege, would enforce a limitation ordered by the Court, or would be necessary to present a motion under Rule 30(d)(3).³ *See* FED. R. CIV. P. 30(c)(2).

In Chambers, Monroe, Louisiana, this 10th day of November, 2014.


KAREN L. HAYES
UNITED STATES MAGISTRATE JUDGE

³ If Mr. Addison fails to attend the deposition, fails to answer, provides evasive answers, or otherwise continues his uncooperative behavior, he will be subject to sanctions, including contempt of court and payment of Defendants’ expenses and attorney’s fees. *See* FED. R. CIV. P. 30(d)(2), 37(b)(1), 45(g).