

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

YOLANDE MARIE HERBERT,

Plaintiff,

vs.

DANNIE RAY BAKER, *et al.*,

Defendants.

---

Case No. 09-12314

Gerald E. Rosen  
United States District Judge

Michael Hluchaniuk  
United States Magistrate Judge

**ORDER**

IT IS HEREBY ORDERED that Plaintiff's Motion for Contempt is denied.

IT IS FURTHER ORDERED that the deposition of Attorney Kellie Howard-Goudy shall go forward. The Plaintiff has satisfied the requirements of Federal Rule Civil Procedure 26(b)(3)(A) in having the deposition conducted.

IT IS FURTHER ORDERED that Attorney Kellie Howard-Goudy owns a valid work product privilege regarding her mental impressions, conclusions, opinions and legal theories.

IT IS FURTHER ORDERED that Plaintiff owns "fact" work product and it is appropriate for Plaintiff's counsel to ask questions of the deponent regarding the facts

surrounding the stipulation and order of dismissal.

IT IS FURTHER ORDERED that the deposition of Attorney Kellie Howard-Goudy take place at a neutral site agreed upon between the parties.

Date: September 4, 2009

s/Michael Hluchaniuk  
Michael Hluchaniuk  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I certify that on September 4, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to the following: Jeffrey G. Collins and Gina U. Puzzuoli, and I certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Dannie Ray Baker, # 698162, SAGINAW CORRECTIONAL FACILITY, 9625 Pierce Road, Freeland, MI 48623.

s/James P. Peltier  
Courtroom Deputy Clerk  
U.S. District Court  
600 Church Street  
Flint, MI 48502  
(810) 341-7850  
pete\_peltier@mied.uscourts.gov