

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEONTAY JOHNSON, ET AL.,

Plaintiffs,

No. 13-13672

v.

District Judge Matthew F. Leitman
Magistrate Judge R. Steven Whalen

ANTHONY WICKERSHAM, ET AL.,

Defendants.

/

ORDER

Before the Court is Defendants' Motion to Compel Deontay Johnson's Reappearance to Continue Deposition [Doc. #37].

Under Fed.R.Civ.P. 30(c)(2), a deponent may object on the record to questions, but may refuse to answer only "when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion under Rule 30(d)(3)." Defendants' attorney questioned Plaintiff regarding his criminal record. Plaintiff refused to answer and terminated the deposition.

Information regarding criminal convictions is not privileged. Nor do these questions reveal bad faith such that the Plaintiff could properly terminate the deposition under Rule 30(d)(3). A party's criminal record is a proper area of inquiry. *See* Fed.R.Ev. 609(a).

Plaintiff improperly refused to answer questions regarding his criminal history and improperly terminated his deposition. Therefore, Defendants' motion to compel his appearance to continue the deposition [Doc. #37] is GRANTED. Defendants shall re-notice Plaintiff's deposition within 45 days of the date of this Order.

Plaintiff's failure to appear for his re-deposition may subject him to sanctions, including dismissal of his complaint.

IT IS SO ORDERED.

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: September 24, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on September 24, 2014, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen