

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LATOYA BROWN, ET AL

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:17cv347-WHB-LRA

MADISON COUNTY, MISSISSIPPI, ET AL

DEFENDANTS

ORDER

The Court heard argument by telephonic hearing on today's date regarding Defendants' request to strike Betty Jean Williams Tucker's Deposition Errata Sheet regarding her proposed deposition changes [198]. Having considered the pleadings, the applicable law, and argument of counsel, the Court finds that the motion is well-advised and shall be granted.

Rule 30 (e) of the Federal Rules of Civil Procedure provides:

- (1) ***Review; Statement of Changes.*** On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:
 - (A) to review the transcript or recording; and
 - (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.
- (2) ***Changes Indicated in the Officer's Certificate.*** The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

In this case, Ms. Tucker was asked whether a certain incident at her home at a barbecue took place more than five years ago. At the deposition, she answered "probably so" and now proposes to change her answer to "I do not remember."

Plaintiffs failed to file Ms. Tucker's proposed changes on the errata sheet within the 30-day period and they failed to give any "reasons for making them," as required by the rule. As Defendants point out, the Fifth Circuit has stated that strict compliance with Rule 30 (e)(1) is required. *Reed v. Hernandez*, 114 Fed. Appx. 609, 611 (5th Cir. 2004) ("Rule 30(e) does not provide any exceptions to its requirements."); *Betts v. Gen'l Motors Corp.*, No. 3:04cv169-M-A, 2008 WL 2789524, at *2 (N.D. Miss. July 16, 2008) (errata sheet struck when reasons for the changes are not made within the 30-day period). As in *Betts*, Plaintiffs did not give Ms. Tucker's reasons for the proposed changes within the 30-day period, and the Court finds that Defendants' motion should be granted.

IT IS, THEREFORE, ORDERED that Defendants' Motion to Strike Plaintiff Betty Jean Williams Tucker's Deposition Errata Sheet [198] is **granted**.

SO ORDERED, this the 9th day of April 2018.

/s/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE