

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARK KENNEDY, Personal Representative
of the Estate of Jonathan Kennedy, Deceased;

Plaintiff,

vs.

COUNTY OF LANCASTER, a Nebraska
Political Subdivision; et al;

Defendants.

4:12CV3247

ORDER

This matter is before the court on the Plaintiff's motion for leave to depose Devin Kirstine, who is currently incarcerated at the Nebraska Correctional Youth Facility. (Filing No. 73). Federal Rule of Civil Procedure Rule 30(a)(2)(B) states that a party must obtain leave of court to depose a person confined in prison. Leave shall be granted to the extent consistent with the principles stated in Rule 26(b)(2). Fed.R.Civ.P. 30(a)(2).

Accordingly,

IT IS ORDERED:

- 1) The Plaintiff's motion to depose Devin Kirstine is granted. The depositions will commence on July 1, 2014, at 2:00 p.m. or at such other date and time agreeable to the parties and to the penal facility where Devin Kirstine is housed. The location of the deposition shall be a place agreeable to the administration of that penal facility.
- 2) Devin Kirstine is ordered to attend the deposition as scheduled, and shall cooperate fully with the deposition process to the extent required by law.
- 3) Devin Kirstine is reminded that failure to attend and fully cooperate in the deposition process will be deemed a violation of this court's order, which may result in civil or criminal contempt proceedings, and may also impact the calculation of earned and unearned good time credit.
- 4) A copy of this order shall be attached to the notice of deposition served on Devin Kirstine. If the notice is served on counsel for Devin Kirstine, the deponent's counsel shall forward the notice with this order to Devin Kirstine and shall file a certificate of service stating the date and manner of service.

June 12, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge