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 Attorneys for Defendants  
 7 Sgt. Christopher Donohue, Officer Duane Jensen,  
 and Officer John Newbold  
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9 **UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

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12 DONELL GEROD BRYANT,

13 Plaintiff,

14 vs.

15 OFFICER DONOHUE; OFFICER JENSEN;  
 16 OFFICER JOHN DOE; OFFICER  
 NEWBOLD; OFFICER JOHN DOE;  
 17 SHERIFF LOMBARDO; LAS VEGAS  
 METROPOLITIAN POLICE  
 18 DEPARTMENT, DSD; THE STATE OF  
 NEVADA, EX REL,

19 Defendants.

CASE NO. 2:16-cv-1172-GMN-PAL

**DEFENDANTS' MOTION FOR LEAVE  
 TO TAKE THE DEPOSITION OF  
 DONELL GEROD BRYANT, AN  
 INCARCERATED PERSON**

21 COMES NOW Defendants, Sergeant Christopher Donohue, Officer Duane Jensen, and  
 22 Officer John Newbold ("Defendants"), by and through their attorneys, Robert W. Freeman, Esq.,  
 23 and Noel E. Eidsmore, Esq. of LEWIS BRISBOIS BISGAARD & SMITH, and hereby move this  
 24 honorable Court, pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), for leave to take the  
 25 deposition of Plaintiff Donell Gerod Bryant, currently incarcerated.

26 This motion is made based upon the pleadings and papers on file herein, the attached  
 27 Points and Authorities, in conjunction with other such evidence and further authorities as this  
 28 Court may require if a hearing is schedule for this matter.

1 **POINTS AND AUTHORITIES**

2 **I. The deposition of Plaintiff Donell Gerod Bryant, who is currently incarcerated at**  
3 **Southern Desert Correctional Center in Indian Springs, Nevada, is necessary to the**  
4 **preparation of the defense in this matter.**

5 Plaintiff has filed a Civil Rights Complaint against Defendants Donohue, Jensen and  
6 Newbold, alleging that while he was an inmate at the Clark County Detention Center he was  
7 subjected to an illegal search and sexual assault by the Defendants.

8 Donell Gerod Bryant is currently incarcerated at Southern Desert Correctional Center  
9 located in Indian Springs, Nevada. Federal Rule of Civil Procedure 30(a)(2)(B) provides that the  
10 deposition of a person confined in prison may only be taken by leave of court. Defendants submit  
11 that the testimony of Donell Gerod Bryant is necessary to the preparation of the defense in this  
12 matter and the only way his testimony can be preserved for trial is by taking his deposition.

13 **II. Conclusion**

14 Due to the vital nature of Donell Gerod Bryant’s testimony in this matter, and pursuant to  
15 Federal Rule of Civil Procedure 30(a)(2)(B), Defendants respectfully request that this Court issue  
16 an Order permitting Plaintiff Donell Gerod Bryant’s deposition to go forward at the place of his  
17 incarceration.

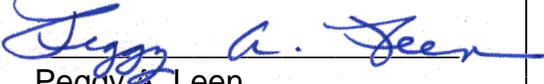
18 DATED this 27<sup>th</sup> day of June, 2017.

19 LEWIS BRISBOIS BISGAARD & SMITH LLP

20 /s/ Robert W. Freeman

21 Robert W. Freeman, Esq.  
22 Nevada Bar No. 3062  
23 Noel E. Eidsmore, Esq.  
24 Nevada Bar No. 7688  
25 6385 S. Rainbow Blvd, Suite 600  
26 Las Vegas, Nevada 89118  
27 Attorneys for Defendants

28 **IT IS SO ORDERED** this 29th day of June, 2017.

  
Peggy A. Leen  
United States Magistrate Judge

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 27<sup>th</sup> day of June, 2017, I electronically filed the **DEFENDANTS’ MOTION FOR LEAVE TO TAKE THE DEPOSITION OF DONELL GEROD BRYANT, AN INCARCERATED PERSON** with the Clerk of the Court through the Case Management/Electronic Filing System.

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 27<sup>th</sup> day of June, 2017, I served a true and correct copy of the foregoing **DEFENDANTS’ MOTION FOR LEAVE TO TAKE THE DEPOSITION OF DONELL GEROD BRYANT, AN INCARCERATED PERSON** by depositing a copy of same in the United States Mail at Las Vegas, Nevada postage fully prepaid, addressed to:

Donell Gerod Bryant  
# 67983  
Southern Desert Correctional Center  
P.O. Box 208  
Indian Springs, Nevada 89070  
Plaintiff in Proper Person

*/s/ Kristen Freeman*  
Employee of LEWIS BRISBOIS  
BISGAARD & SMITH LLP