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 7 *Officer Randall Brown, Bonnie Polley,*
Corrections Officer Robert Garvey

8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE DISTRICT OF NEVADA**

10 ***

11 ABDUL HOWARD,
 12 Plaintiff,
 13 vs.

CASE NO. 2:16-cv-1553-MMD-PAL

**DEFENDANTS' MOTION FOR LEAVE
 TO TAKE THE DEPOSITION OF ABDUL
 HOWARD, AN INCARCERATED
 PERSON**

14 JOHN DOE, Badge #5577; PEGGY
 15 MARTINEZ, Kitchen Officer, BONNIE
 POLLEY; MUJAHID RAMADAN; LAS
 16 VEGAS METROPOLITAN POLICE
 DEPARTMENT DETENTION SERVICES
 17 DIVISION; OFFICER GARVEY, Badge #
 9250; SHERIFF LOMBARDO; KITCHEN
 18 MANAGER JOHN DOE; THE STATE OF
 NEVADA ex rel, all.
 19 Defendants.

21 Defendants Sheriff Joseph Lombardo, Officer Randall Brown, Bonnie Polley, and
 22 Corrections Officer Robert Garvey, by and through their attorneys of record, ROBERT W.
 23 FREEMAN, ESQ., and NOEL E. EIDSMORE, ESQ., of the law firm LEWIS, BRISBOIS,
 24 BISGARRD & SMITH, hereby move this honorable Court, pursuant to Federal Rule of Civil
 25 Procedure 30(a)(2)(B), for leave to take the deposition of Plaintiff Abdul Howard, currently
 26 incarcerated.

27 This motion is made based upon the pleadings and papers on file herein, the attached
 28 Points and Authorities, in conjunction with other such evidence and further authorities as this

1 Court may require if a hearing is schedule for this matter.

2 **POINTS AND AUTHORITIES**

3 **I. The deposition of Plaintiff Abdul Howard, who is currently incarcerated at**
4 **Clark County Detention Center in Las Vegas, Nevada, is necessary to the**
5 **preparation of the defense in this matter.**

6 Plaintiff has filed a Civil Rights Complaint against Defendants Sheriff Joseph Lombardo,
7 Officer Randall Brown, Bonnie Polley, and Corrections Officer Robert Garvey, alleging that while
8 he was an inmate at the Clark County Detention Center he was denied access to religious services.

9 Abdul Howard is currently incarcerated at Clark County Detention Center located in Las
10 Vegas, Nevada. Federal Rule of Civil Procedure 30(a)(2)(B) provides that the deposition of a
11 person confined in prison may only be taken by leave of court. Defendants submit that the
12 testimony of Abdul Howard is necessary to the preparation of the defense in this matter and the
13 only way his testimony can be preserved for trial is by taking his deposition.

14 **II. Conclusion**

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

19 DATED this 18th day of July, 2017.

20 LEWIS BRISBOIS BISGAARD & SMITH LLP

21 /s/ Noel E. Eidsmore

22 Robert W. Freeman, Esq.

Nevada Bar No. 3062

Noel E. Eidsmore, Esq.

Nevada Bar No. 7688

6385 S. Rainbow Blvd, Suite 600

Las Vegas, Nevada 89118

Attorneys for Defendants

23 **IT IS SO ORDERED** this 24th
24 day of July, 2017.

25 
26 Peggy A. Leen
27 United States Magistrate Judge

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of July, 2017, I electronically filed the **DEFENDANTS' MOTION FOR LEAVE TO TAKE THE DEPOSITION OF ABDUL HOWARD, AN INCARCERATED PERSON** with the Clerk of the Court through Case Management/Electronic Filing System.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 18th day of July, 2017, I served a true and correct copy of the foregoing **DEFENDANTS' MOTION FOR LEAVE TO TAKE THE DEPOSITION OF ABDUL HOWARD, AN INCARCERATED PERSON** by depositing a copy of same in the United States Mail at Las Vegas, Nevada postage fully prepaid, addressed to:

Abdul Howard
1896061
Clark County Detention Center
330 South Casino Center
Las Vegas, Nevada 89101
Plaintiff in Proper Person
Attorney for Plaintiff

/s/ Gabriela Mercado
Employee of LEWIS BRISBOIS
BISGAARD & SMITH LLP