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## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA

Travis Clark,	)
Plaintiff,	ORDER
VS.	)
Officer Michael Carlson, Officer Dan Salandar, and the City of Bismarck,	) Case No. 1:18-cv-026
Defendants.	)

On July 16, 2019, the court held an impromptu telephonic status conference in the aboveentitled action. Attorney Nicollete Ward appeared on plaintiff's behalf. Attorney Randy Bakke appeared on defendants' behalf.

The purpose of the conference was to discuss issues that arose at the outset of the deposition of Lindsey Gerhardt, plaintiff's girlfriend/fiancé. According to the parties, Ms. Gerhardt appeared for a deposition noticed by defense counsel for the afternoon of July 16, 2019. However, she declined to meaningfully participate in the deposition unless and until she first consulted with an attorney, which is her right. She further advised that, absent an order from the court, she would not answer <u>any</u> questions. Defense counsel ended the deposition and the parties contacted the court seeking its guidance on how to proceed.

Pursuant to its discussion with the parties, the court **ORDERS**:

- (1) Defense counsel may reschedule Ms. Gerhardt's deposition.
- (2) Ms. Gerhardt shall appear for the deposition as rescheduled. She has the right to retain counsel, who may appear with her at the deposition. Absent an objection or

an instruction by her counsel not to answer, she shall answer the questions posed to

her to the best of her ability.

(3) The transcript of Ms. Gerhardt's deposition shall be sealed pending further order of

the court.

Ms. Gerhardt is urged to be expeditious in her retention of counsel. Whomever she retains should

promptly contact defense counsel to discuss/work out the logistics of her deposition.

IT IS SO ORDERED.

Dated this 17th day of July, 2019.

/s/ Clare Hochhalter

Clare Hochhalter, Magistrate Judge

United States District Court

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