

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

BILLY ROGERS,  
Plaintiff,

vs.

OFFICER SHOSTAK, et al.,  
Defendants.

Case No. 1:14-cv-213

Barrett, J.  
Litkovitz, M.J.

**ORDER**

This matter is before the Court on plaintiff's motion for another deposition by defendant's counsel (Doc. 52), plaintiff's motions for appointment of counsel and for an order requiring defendant to provide him a copy of his deposition testimony (Docs. 52, 55), and defendant Roman Shostak's motion to extend the dispositive motion deadline (Doc. 54).

In his motion for another deposition, plaintiff alleges violations of this Court's Order granting defendant's motion for leave to depose plaintiff. (Doc. 52). Plaintiff alleges that he did not receive ten days' notice before counsel from the Attorney General's office came to depose him on December 3, 2014; counsel refused to put everything on the record and to talk about certain things plaintiff wanted to discuss; and counsel refused to make copies of certain papers that plaintiff wanted to provide to the Court.

The Court's Order granting defendant leave to depose plaintiff requires that plaintiff be given notice at least ten days in advance of the time and place for the taking of each deposition. (Doc. 47). However, assuming plaintiff did not receive the required advance notice before he was deposed, plaintiff has not shown that he has been prejudiced as a result. Insofar as plaintiff asserts that certain things were kept off the record, plaintiff has not made any specific allegations to show that defendant violated the Court's Order requiring that all aspects of the deposition be transcribed. Rather, it

appears that plaintiff is complaining that he was not given the opportunity to discuss certain matters during the deposition, which is not a violation of the Court Order. Further, plaintiff has not identified the documents that he requested from defendant and which defendant purportedly failed to provide. Plaintiff's request that defendant conduct another deposition (Doc. 52) is **DENIED**.

In his motions for appointment of counsel, plaintiff alleges that he is illiterate and mentally ill and he has no one to assist him with his lawsuit. (Docs. 53, 55). Plaintiff further alleges that on January 3, 2015, he was placed in segregation and all of his personal property, including his legal documentation, was stolen. Plaintiff requests that the Court order defendant's counsel to provide him with a copy of his December 3, 2014 deposition.

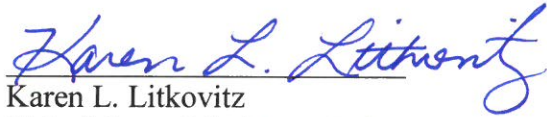
For the reasons previously set forth in the Court's Order dated May 12, 2014 (Doc. 27), plaintiff's motions for appointment of counsel are **DENIED**. Moreover, defendant is not required to provide plaintiff with a copy of his deposition testimony simply for his own records. *See Carter v. Wilkinson*, No. 2:05-CV-380, 2009 WL 2929316 (S.D. Ohio Sept. 8, 2009) (acknowledging the general rule that pro se indigent litigants are not entitled to a free deposition transcript but recognizing that a party must serve a copy of the deposition or relevant excerpts on the pro se litigant when the party uses the deposition testimony to support a filing). Plaintiff's request that defendant be ordered to provide a copy of plaintiff's deposition testimony to him at no cost (Doc. 55) is **DENIED**.

Defendant Shostak moves the Court to extend the dispositive motion deadline. (Doc. 54). For good cause shown, defendant's motion is **GRANTED**. The dispositive motion deadline is

extended from January 16, 2015 to **February 17, 2015**. The Calendar Order (Doc. 37) is modified accordingly.

**IT IS SO ORDERED.**

Date: 1/20/15

  
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Karen L. Litkovitz  
United States Magistrate Judge