

1 appointed to administer the oath, the testimony is recorded, and the witness must answer the
2 questions asked. There are very few exceptions to the requirement that a witness respond to the
3 substance of the question.² An evasive, unresponsive, or incomplete answer is treated as a failure
4 to respond and may expose the witness to sanctions under Fed. R. Civ. P. 37.

5 3. In the context of this case, the security video is only one piece of the evidence that will
6 be considered by the trier of fact. There are events that take place off camera, there are
7 ambiguous events, there is dialogue that is not captured, and there are events before and after the
8 video that are relevant. Each party must be permitted to ask the other about what he remembers
9 about the events of April 4, 2015, what motivated the actions seen on the security video, what
10 happened in the off-camera or ambiguous moments, and other facts that are relevant to the
11 claims and defenses asserted in this litigation. Failure to fully and completely respond to such
12 questions may result in sanctions under Fed. R. Civ. P. 37.

13 4. Defendant seeks a protective order limiting who may be present at the depositions in
14 this matter. Plaintiff has stated that he is afraid of defendants and defense counsel and wants to
15 bring armed security guards to his deposition. Dkt. # 83-2 at 11. Plaintiff has also notified
16 defendants that he wants to depose four individuals at Mount Calvary Christian Center, which
17 his father says “is large enough to accommodate a large crowd and it has a big screen so
18 everyone can see video and Police Cams as part of the Deposition process.” Dkt. # 83-2 at 7-8.
19 Plaintiff apparently intends to advertise the depositions on the radio and social media and to
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22 ² Even when a question is objectionable, the objection “must be stated in a nonargumentative and
23 nonsuggestive manner” so that it can be recorded and the examination continues. Fed. R. Civ. P.
24 30(c)(2). In the rare case that a party or deponent believes the deposition is being conducted “in bad
25 faith or in a manner that unreasonably annoys, embarrasses, or oppresses the party or deponent,” the
26 objecting party may demand that the deposition be suspended and file a motion to terminate or limit the
questioning. Fed. R. Civ. P. 30(d)(3). If a deposition is suspended for any reason in this litigation, the
objecting party shall file a motion seeking Court approval to terminate or limit the deposition as soon as
possible, but no later than three days after the deposition was suspended.

1 open the depositions to the public at large.

2 There is no public right of access to a deposition, and the Federal Rules of Civil
3 Procedure expressly authorize limitations on who may be present while the deposition is
4 conducted. Fed. R. Civ. P. 26(c)(1)(E). Generally, only the court reporter, the parties, the
5 witness, and counsel are present. Depositions can be stressful, however, and the Court will allow
6 each witness to have a support person in attendance. While the witness is free to choose
7 whomever they would like as a support person, that person shall not participate in the deposition
8 in any way. The examination of witnesses at a deposition generally proceeds as it would at trial.
9 Fed. R. Civ. P. 30(c)(1). Questions are asked and answered as if the witness were testifying in
10 the courtroom: only the questioner, the witness and, if represented, the witness' lawyer
11 participate in the discussion. All other persons are silent observers, just as a person in the back of
12 a courtroom during trial would be. The support persons may not interrupt the questioning, coach
13 the witness, or otherwise interject themselves into the record of the proceeding. "The court may
14 impose an appropriate sanction - including the reasonable expenses and attorney's fees incurred
15 by any party - on a person who impedes, delays, or frustrates the fair examination of the
16 deponent." Fed. R. Civ. P. 30(d)(2).

17 The Court finds no justification for and expressly forbids the presence of any sort of
18 weapon at a deposition under this cause number. The Court also finds no justification for
19 opening the depositions to the public. As specified in this order, only the court reporter/officer,
20 the parties, the witness, his or her support person, and counsel of record shall be permitted to
21 attend the depositions. All depositions in this matter shall occur in the United States District
22 Courthouse at 700 Stewart Street. The parties shall contact the judicial assistant, Teri Roberts, at
23 (206) 370-8810, prior to issuing a notice of deposition to schedule an available date and location
24 for the depositions.

