

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2003 FEB 13 PM 3:57

LORETTA G. WHYTE
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MINUTE ENTRY
ROBY, M.J.
February 13, 2003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MELANIE KRAMER, ET AL

CIVIL ACTION

VERSUS

NO: 01-2451

NEW ORLEANS SAINTS, ET AL

SECTION: "L" (4)

On February 10, 2003, the defendant, New Orleans Louisiana Saints, et al, filed a **Motion for Protective Order to Prohibit Videotaping Deposition (doc. #69)**. An expedited hearing on the motion was held via telephone conference on February 10, 2003. Participating in the hearing were Paula Perrone, representing the plaintiffs, Melanie Kramer, et al, and Leslie Lanusse and Janis van Meerveld, representing the defendants, New Orleans Saints, et al.

During the hearing, the defendants contended that they sought to prohibit the plaintiffs from videotaping the deponent's deposition because the only purpose in doing so was to annoy, embarrass and invade the privacy of the deponent. They indicated that although the notice of deposition does indicate that the deposition would be videotaped, they did not learn that the plaintiffs wished to videotape the deposition until February 7, 2003.

The defendants expressed concern about the confidentiality of the information that may be revealed during the deposition. Ms. Lanusse argued that the video deposition was unnecessary as

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the deponent is not a flight risk or death risk and will be present at trial. She indicated that the parties recently held a conference with District Judge Eldon Fallon where it was discussed that everything relating to the deposition shall be kept under seal. Ms. Lanusse indicated that despite the verbal protective order, the defendants were contacted by the local media prior to the deposition which indicates that information is being made public.

Ms. Perrone responded by stating she issued a notice of deposition on January 9, 2003 which clearly stated that the deposition would be videotaped. She stated that there has never been an issue as to the deposition being kept confidential. Ms. Perrone stated that Judge Fallon has worked with counsel to work through several confidentiality issues and the parties have entered a verbal agreement that information received will not be disseminated to the media. She also stated that the information revealed during the deposition will be kept confidential as the deposition will not be filed in the record.

Ms. Perrone contended that she has every right to videotape the deposition in order to prepare for trial and assess the credibility of the witness. She also stated that she will have to obtain new counsel for the plaintiff because of an illness in her family. She contended that although she can assess the credibility of the witness during the deposition, new counsel will need to be shown the videotape of the deponent in order to make their own assessment of credibility.

After listening to the arguments of the parties, the undersigned allowed the deposition to proceed by video. The stenographer and videographer were advised that the deponent's testimony is subject to a protective order and is not to be disclosed to anyone. The videographer was ordered to not make any copies of the videotape and was ordered to deliver the videotape to the chambers of the undersigned following the deposition. The videotape will be kept under seal and will only be

accessible to the attorney's in this matter. The stenographer was ordered to disseminate the written transcript to counsel only.

Accordingly,

IT IS ORDERED that the **Motion for Protective Order to Prohibit Videotaping Deposition (doc. #69)** is **DENIED**.

IT IS FURTHER ORDERED that the Court Recorder Supervisor is designated as custodian of the cassette tape used to record the hearing.



KAREN WELLS ROBY
UNITED STATES MAGISTRATE JUDGE