

stating that Jane Doe would not testify at trial and that Plaintiff intended to prove Jane Doe's claimed injuries through her parents, treatment providers, and expert witnesses.

On June 26, 2026, the parties conferred regarding Plaintiff's objection to Jane Doe's deposition.

Thereafter, this dispute was included in the parties' Discovery Dispute Chart. In that chart, Lorena ISD set forth its position that it is entitled to depose Jane Doe pursuant to Federal Rule of Civil Procedure 30, and Plaintiff set forth its position opposing the deposition and seeking a protective order.

On June 29, 2026, Plaintiff returned its portion of the Discovery Dispute Chart. That same day, Lorena ISD submitted the completed Discovery Dispute Chart to the Court by email in accordance with the Court's discovery dispute procedures.

Despite the fact that this same discovery dispute had already been presented to the Court through the procedure specifically contemplated for discovery disputes, Plaintiff filed the present Motion for Protective Order on July 2, 2026, seeking the same relief already requested in the Discovery Dispute Chart.

II. ARGUMENT

As an initial matter, Plaintiff's Motion is procedurally improper. This exact dispute was already presented to the Court through the parties' Discovery Dispute Chart. Plaintiff returned its portion of the chart on June 29, 2026, and Lorena ISD submitted the completed chart to the Court that same day in accordance with the Court's procedures. Three days later, Plaintiff filed this separate Motion seeking the same relief. Plaintiff's filing adds nothing new. It simply repackages an already-submitted discovery dispute while generating unnecessary briefing, expense, and media attention. That is precisely the type of duplicative motion practice the Court's discovery

procedures are designed to avoid.

There was no legitimate reason for Plaintiff to do so. Plaintiff is well aware of the discovery dispute resolution process contemplated by the Court and has extensively participated in that process throughout this litigation. Yet here, instead of allowing that process to proceed, Plaintiff chose to file a separate Motion on an issue already raised in the parties' Discovery Dispute Chart. That filing accomplishes nothing except multiplying filings, increasing expense, and forcing Defendant to respond twice to the same dispute. Plaintiff cannot submit a discovery dispute through the Court's chart process, state its position there, receive Lorena ISD's position there, and then file a separate motion seeking the same relief because Plaintiff prefers duplicative briefing over the procedure already in place. Lorena ISD files this Response only to preserve its position and to make clear that Plaintiff's Motion is not the proper vehicle through which to resolve this discovery dispute.

Further, Plaintiff's Motion fails on the merits. Federal Rule of Civil Procedure 30 authorizes a party to depose "any person, including a party, without leave of court," subject to limited exceptions not applicable here. Fed. R. Civ. P. 30(a)(1). Plaintiff has identified no categorical rule prohibiting the deposition of a minor plaintiff. Nor does Rule 30 impose any age-based restriction that exempts Jane Doe from ordinary discovery simply because she is a minor.

Jane Doe is not a peripheral witness. She is the student on whose behalf Plaintiff seeks relief. Plaintiff's First Amended Complaint places Jane Doe's physical and psychological condition directly at issue by seeking damages for "past, present, and future physical and psychological pain, suffering, and impairment." Those claimed damages necessarily concern Jane Doe's own experiences, symptoms, alleged injuries, limitations, and present condition.

Plaintiff cannot affirmatively seek damages based on Jane Doe's physical and

psychological pain, suffering, and impairment while simultaneously refusing to allow Lorena ISD any meaningful opportunity to examine Jane Doe regarding those same claimed injuries. Plaintiff seeks to make Jane Doe's condition central to recovery while asking the Court to shield Jane Doe entirely from deposition. That is not a protective measure. It is an attempt to obtain the benefit of Jane Doe's claimed damages while preventing Defendants from testing them.

Plaintiff's statement that Jane Doe will not testify at trial does not change the analysis. Discovery is broader than trial testimony. Nor may Plaintiff avoid Jane Doe's deposition by announcing that it intends to present damages through Jane Doe's parents, treatment providers, and expert witnesses. Plaintiff does not get to dictate that Lorena ISD may obtain discovery only from Plaintiff-selected witnesses. Parents, therapists, and experts may testify about observations, treatment, records, and opinions, but they are not a substitute for Jane Doe's own testimony regarding her experiences, recollection, symptoms, understanding, and present condition.

The requested deposition is relevant to Lorena ISD's ability to evaluate the allegations, test the claimed damages, prepare defenses, and assess the evidence Plaintiff intends to rely upon. A deposition would allow Lorena ISD to determine what Jane Doe attributes to the alleged events, what symptoms or impairments she claims to have experienced, whether those alleged conditions continue, and whether there are facts bearing on causation, damages, credibility, or the scope of claimed relief. These issues go directly to Plaintiff's claims and requested damages.

Courts within the Fifth Circuit have recognized that defendants are entitled to depose minor plaintiffs, even in sensitive cases. In *Williams ex rel. Williams v. Greenlee*, 210 F.R.D. 577 (N.D. Tex. 2002), which involved a sixteen-year-old plaintiff alleging sexual assault by a juvenile detention officer, the court stated that defendants were entitled to depose the minor victim and plaintiff in the lawsuit. Similarly, in *Doe v. Beaumont Independent School District*, 615 F. Supp.

3d 471 (E.D. Tex. 2022), the court rejected efforts by minor plaintiffs to broadly restrict the scope of their depositions, explaining that even in the face of troubling allegations of sexual misconduct, notions of fair play require that a defendant have the opportunity to test the information through discovery.

Lorena ISD does not seek an unrestricted or unduly burdensome deposition. Lorena ISD has proposed substantial safeguards designed to balance Jane Doe's status as a minor with Lorena ISD's right to obtain relevant discovery. Lorena ISD has agreed to limit the deposition to two hours, to permit only one attorney to conduct the questioning, to allow Jane Doe's parents and therapist to be present, and to implement other reasonable safeguards to minimize any burden on the student.

This approach is consistent with *Bucher v. Richardson Hospital Authority*, 160 F.R.D. 88 (N.D. Tex. 1994). There, the court declined to prohibit the deposition of a minor plaintiff but imposed procedural protections, including permitting the minor's mother and therapist to be present, limiting the subject matter to facts directly related to liability and damages, and limiting the length of time of both direct and cross examination. *Bucher* demonstrates that the appropriate remedy for legitimate concerns about a minor's deposition is not a categorical prohibition, but a tailored set of safeguards that allow discovery to proceed in a controlled and protective manner.

That is precisely what Lorena ISD has proposed here. Plaintiff's complete refusal to produce Jane Doe goes far beyond any reasonable protective measure and would unfairly prevent Lorena ISD from obtaining discovery concerning the very injuries for which Plaintiff seeks recovery. Plaintiff cannot use Jane Doe as the foundation for damages and a shield against discovery at the same time.

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Lorena ISD respectfully requests that this Court deny Plaintiff's Motion for a Protective Order Barring Defendants from Deposing Jane Doe. Plaintiff has improperly filed a separate motion regarding a discovery dispute already submitted to the Court through the Discovery Dispute Chart, and Plaintiff has not shown that Jane Doe should be categorically exempt from deposition.

Lorena ISD respectfully requests that the Court deny Plaintiff's Motion for Protective Order Barring Defendants from Deposing Jane Doe, compel Plaintiff to produce Jane Doe for deposition at a mutually agreeable date and time subject to reasonable protective measures, including a two-hour time limitation, examination by only one attorney, and the presence of Jane Doe's parents and therapist, and grant Lorena ISD any other relief to which it may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On July 9, 2026, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Meghan N. Beytebiere
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