

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**Minor Child JANE DOE, by and  
through her Next Friends JOHN DOE  
and MARY DOE,**

**Plaintiff,**

**v.**

**LORENA INDEPENDENT SCHOOL  
DISTRICT and APRIL JEWELL,**

**Defendants.**

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**CASE NO. 6:23-CV-566-ADA-DNM**

**ORDER DENYING PLAINTIFF JANE DOE’S MOTION FOR A PROTECTIVE ORDER  
BARRING DEFENANTS FROM DEPOSING JANE DOE [DKT. NO. 86]**

Before the Court is, through her Next Friends John and Mary Doe, Plaintiff Jane Doe’s Motion for a Protective Order Barring Defendants Lorena Independent School District (LISD) and April Jewell (collectively, “Defendants”) from deposing Jane Doe. Dkt. No. 86. On July 28, 2026, the Court held a hearing on the Motion. *See* Dkt. No. 94. Based on the Motion, Response, Reply, the evidence in the record, and the parties’ arguments, the Court **DENIES** Doe’s Motion for the reasons stated below.

The Court recognizes the delicacy of this emotional issue, is sensitive to the nature of the underlying events, and certainly understands the desire to keep Doe out of court proceedings to the greatest extent possible. Because it is highly unusual to entirely preclude a deposition, particularly of a named party in the case, and the great weight of decisions permit a deposition in this circumstance, Doe’s deposition should proceed but with reasonable restrictions.

**I. INTRODUCTION**

Federal courts throughout the country routinely reject efforts to prohibit depositions of minor parties when confronted by claims that allowing such depositions will retraumatize the

minors who suffered traumatic injuries that form the basis of lawsuits. *See, e.g., Edgin ex rel I.E. v. Blue Valley USD 220*, Case No. 20-2547-EFM, 2021 WL 1750861, at \*2 (D. Kan. May 4, 2021) (permitting the deposition of a minor stating “it’s highly unusual to entirely preclude a deposition, particularly of a named party in the case.”); *Williams v. Cnty. of San Diego*, Case No. 17-cv-00815-MMA (JLB), 2019 WL 5963969, at \*7 (S.D. Cal. Nov. 13, 2019) (Observing that “[i]n several cases where the depositions of young children who were parties to the action have been permitted to proceed, the courts determined, after weighing the considerations, that any undue burden on the child was outweighed by the significance of the testimony to the party seeking to depose them.”); *Hamilton v. Southland Christian Sch., Inc.*, Case No. 6:10-cv-871-Orl-22DAB, 2011 WL 13143561, at \*3 (M.D. Fla. Apr. 18, 2011) (“The great weight of the decisions permit a deposition when children are parties or witnesses to the claims in dispute, with reasonable restrictions.”); *Kuyper v. Bd. of Cnty. Comm’rs*, Civil Action No. 09-cv-00342-PAB-MEH, 2010 WL 4038831, \*1–2 (D. Colo. Oct. 14, 2010) (allowing deposition of seven-year-old victim of assault four years earlier by violent foster child placed in victim’s home); *Graham v. City of N.Y.*, No. 08-CV-3518(KAM)(RML), 2010 WL 3034618, \*4–5 (E.D.N.Y. Aug. 3, 2010) (allowing deposition of seven-year-old child regarding an incident three years earlier).

Nevertheless, Doe asks the Court to prohibit Defendants from taking her deposition. While the Court is sympathetic to Doe’s position and the issues she raises, Doe is unable to identify a single federal case in which a court prohibited a minor party’s deposition because of any potential trauma the deposition may cause. Given the overwhelming number of cases that permit such depositions and the lack of any cases prohibiting the taking of such depositions, the Court finds that the evidentiary record used to support Doe’s Motion is insufficient to warrant the

granting of the extraordinary and unusual relief she requests and that additional evidence would probably not support a different result given the extensive existing caselaw.

## **II. BACKGROUND**

During the 2020-2021 school year, Jane Doe attended Lorena Primary School as a pre-kindergarten student. Dkt. No. 56 ¶ 34. That year, Nicolas Crenshaw, a long-term substitute teacher at the school, primarily worked with Doe’s class. *Id.* ¶¶ 23, 36. Crenshaw used that position to sexually abuse Doe and at least one other student. *Id.* ¶¶ 91–109. He pled guilty to the abuse on May 4, 2023. *Id.* ¶ 109.

Doe sued LISD and Jewell on August 3, 2023, alleging that Defendants failed to train and supervise LISD teachers, failed to implement policies for properly training and supervising teachers regarding reporting teacher-on-student sexual abuse, and engaged in arbitrary and conscience-shocking executive action under Title IX and United States Code Title 42, Section 1983. Dkt. No. 1. For four of her five causes of action, Doe seeks damages for “[p]ast, present, and future physical and psychological pain, suffering, and impairment[.]” Dkt. No. 56 at ¶¶ 157(a), 168(a), 180(a), 191(a). During discovery, Defendants informed Doe that they intended to depose her about those damages. *See* Dkt. Nos. 86-1 at 3, 86-2 at 2, 86-3 at 2. Concerned about her mental wellbeing, Doe opposed the deposition. Dkt. No. 86-4.

Doe asks the Court to issue an order barring Defendants from taking the deposition. Dkt. No. 86. She argues that because of her age and the level of trauma she experienced from Crenshaw’s actions, having to give deposition testimony about her past, present, and future physical and psychological pain, suffering, and impairment will irreparably harm her mental state and cause her to lose what progress she has made with her therapist. *Id.* at 5–6. To support

this argument, Doe relies on the declaration of Kelsey D’Amore, Doe’s current therapist. *Id.* at 4; Dkt. No. 86-5.

D’Amore has been treating Doe using “play therapy” since February 2024. Dkt. No. 86-5 ¶¶ 6, 15. She states that, in her professional opinion, deposing Doe “will trigger a resurgence of her PTSD symptoms in both frequency and severity.” *Id.* ¶ 34. She further concludes that Doe “is not cognitively able” to conceptualize the questions Defendants may ask Doe in the deposition. *Id.* ¶ 21. D’Amore supports her conclusions about how Doe would handle the deposition with general statements about children’s cognitive ability and trauma responses but does not explain how those generalities present in Doe. She also does not explain what a resurgence of Doe’s PTSD symptoms would look like or give any specific detail on how a resurgence would “irreparably” harm Doe, despite her opinion that giving a deposition would do just that. During the hearing, Doe’s counsel explained that D’Amore has not discussed the events giving rise to this lawsuit with Doe.

In addition, Doe argues that she will not take the stand during her case-in-chief at trial, and that Defendants can obtain information about her damages from her parents and D’Amore. Dkt. No. 86 at 9, Dkt. No. 86-4 at 3. Indeed, Doe maintains that she is incapable of answering the kinds of questions Doe believes Defendants will ask. Dkt. No. 86 at 9.

### **III. APPLICABLE LAW**

Depositions are an integral function of the civil discovery system, and they are subject to the same rules as all other discovery. *See* FED. R. CIV. P. 26(b). Federal Rule of Civil Procedure 30 allows a party in a lawsuit to “depose any person, including a party, without leave of court[.]” Rule 26(b)(1) allows parties to “obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case[.]” In

conjunction, these two rules operate to provide parties with wide latitude to depose any person about any nonprivileged, relevant, and proportional topic, without leave of court. *See id.* 26(b)(1), 30(a). The rules are designed to afford parties with broad access to information, and intentionally so. *Herbert v. Lando*, 441 U.S. 153, 177 (1979) (“[D]eposition-discovery rules are to be accorded a broad and liberal treatment to effect their purpose of adequately informing the litigants in civil trials.”).

Though broad, the deposition-discovery rules are not without limits. Rule 26(c) allows “a party or any person from whom discovery is sought” to request an order protecting them from “annoyance, embarrassment, oppression, or undue burden or expense.” If the court finds good cause to grant the request, Rule 26(c) includes several options for protections the court may order. FED. R. CIV. P. 26(c)(A)–(H). Wholly forbidding a deposition is one such option, but “[i]t is very unusual for a court to prohibit the taking of a deposition altogether and absent extraordinary circumstances, such an order would likely be in error.” *Id.* 26(c)(A); *Salter v. Upjohn Co.*, 593 F.2d 649, 651 (5th Cir. 1979). And when, as here, a party seeks to prohibit their own deposition, issuing such “blanket protection” is even more extreme. *See Campos v. Webb Cnty*, 288 F.R.D. 134, 137–38 (S.D. Tex. 2012).

Other options include limiting the time, scope, and publicity of the discovery, and imposing other conditions to minimize any potential harm. FED. R. CIV. P. 26(c)(B)–(H). When determining whether to impose reasonable protections or forbid the discovery, courts must “balance the competing interests of allowing discovery and protecting parties and deponents from undue burdens.” *Bucher v. Richardson Hosp. Auth.*, 160 F.R.D. 88, 92 (N.D. Tex. 1994).

#### **IV. ANALYSIS**

To be entitled to take Doe’s deposition, the discovery Defendants seek from doing so must be within the scope of permissible discovery. *See* FED. R. CIV. P. 26(b). The discovery Defendants seek from the deposition is information on how Doe perceives her past, present, and future physical and psychological pain, suffering, and impairment. Dkt. No. 89 at 3–4. Doe is the real party in interest in this litigation, and the damages she seeks are on her behalf. Thus, any damages that may be awarded for Doe’s past, present, and future physical and psychological pain and suffering “necessarily concern Jane Doe’s own experiences, symptoms, alleged injuries, limitations, and present condition.” Dkt. No. 89 at 3. The information Defendants seek thus falls within Rule 26(b)’s scope of permissible discovery and Defendants are, as an initial matter, entitled to depose Doe on that subject.

Because Defendants are initially entitled to take Doe’s deposition under Rules 26(b) and 30(a), the Court turns to the protections in 26(c). Considering the broad nature of the deposition-discovery rules, the Court must allow Defendants to conduct the discovery they are entitled to unless the balance of interests counsels otherwise. Defendants have a significant interest in conducting the discovery they need to properly prepare their case for trial. *See Farnsworth v. Proctor & Gamble Co.*, 758 F.2d 1545, 1547 (11th Cir. 1985) (noting that a party’s interests relating to “to its trial preparation and defense . . . are important interests, and great care must be taken to avoid their unnecessary infringement.”); *Bucher*, 160 F.R.D. at 92. Doe has a similarly significant interest in protecting herself from any potential physical or emotional harm the deposition may cause. *Bucher*, 160 F.R.D. at 92.

Doe argues that her interest in protecting herself from potential harm outweighs Defendants’ interest in the discovery because of the undue burden the deposition would impose.

Dkt. No. 86. She argues the deposition creates an undue burden several reasons: (1) it would subject her to irreparable emotional harm; (2) she is not cognitively sound to give deposition testimony on pain and suffering damages; (3) she will not testify in her case-in-chief at trial; and (4) Defendants could obtain any of the information they could seek from Doe through other witnesses. *Id.* Underlying each argument is the fact that Doe is 10 years old—a basis she emphasized at the hearing. Each argument fails to meet the Fifth Circuit’s “extraordinary circumstances” requirement.

**Irreparable harm.** For the Court to prohibit Doe’s deposition due to the potential for re-traumatization or irreparable harm (*i.e.*, harm that can never be repaired or fixed), Doe “must make a ‘specific and documented factual showing that the deposition will be dangerous to [her] health.’” *Campos*, 288 F.R.D. at 136 (quoting *Schorr v. Briarwood Estates Ltd. P’ship*, 178 F.R.D. 488, 491 (N.D. Ohio 1998)). “[C]onclusory or speculative statements by a treating physician about the harm which will be suffered without a protective order are simply insufficient.” *Id.*

In *Campos v. Webb County*, for example, the plaintiff, individually and on behalf of her son, sought to prevent the defendants from deposing her son. 288 F.R.D. 134, 135 (S.D. Tex. 2012). To support her argument, she relied on the affidavit of her son’s treating psychiatrist. *Id.* The psychiatrist testified in his affidavit that the son suffered from major depression and PTSD due to sexual assault, and that if he were subjected to a deposition, he “will very likely to decompensate into a full blown psychotic regression under probable aggressive questioning,” which would thereby “cause the immediate loss . . . of the very slow progress he has gained from treatment.” *Id.* The psychiatrist further testified that the son had a “less than normal intellectual capability” and that because his disability had worsened due to the victimization, he would be

“unable to answer questions intelligently.” *Id.* at 136. The court allowed the defendant to depose the son, but imposed reasonable protections. *Id.* at 138. In doing so, it noted that the treating psychiatrist’s statements about the son’s potential psychotic regression and loss of progress were conclusory and thus fell short of “the high standard required for protective orders.” *Id.* at 136–37.

The evidence in this case mirrors that in *Campos*. Doe relies on the declaration of her treating therapist, Kelsey D’Amore. Just like *Campos*, D’Amore testifies that Doe suffers from PTSD due to sexual assault. Dkt. No. 86-5 ¶ 14. Where the deposition in *Campos* would trigger a “full blown psychotic regression” for the son, D’Amore testifies that a deposition in this case would “trigger a resurgence of [] PTSD symptoms in both frequency and severity” for Doe. *Id.* ¶ 34; *Campos*, 288 F.R.D. at 136. Where a psychotic regression would cause “the immediate loss . . . of the very slow progress [the son] has gained from treatment” in *Campos*, a resurgence of PTSD symptoms “greatly threatens the progress that Jane has fought for” here. *Campos*, 288 F.R.D. at 136; Dkt. No. 86-5 ¶ 33. Where the son in *Campos* has a “less than normal intellectual capability” and would be “unable to answer questions intelligently” because of the trauma, Doe in this case “is not cognitively able to conceptualize answers to questions” because children who have experienced extensive trauma “are not developmentally or cognitively able to address damages in this capacity.” *Campos*, 288 F.R.D. at 136; Dkt. No. 86-5 ¶¶ 21, 22.

At no point does the psychiatrist in *Campos* or D’Amore here explain how the deposition would cause the harm, they both only conclude that it will. D’Amore identifies things that could happen to Doe—“put back in a dissociated state,” caused “further confusion, traumatization, and harm,” and “a resurgence of her PTSD symptoms in both frequency and severity”—and some of Doe’s current symptoms—“irritability, anxiety, nervousness, low frustration tolerance, aggressive behaviors, poor coping skills,” etc.—but fails to identify the actual effect of those

things happening. Put differently, D'Amore does not explain with specificity the harm Doe would suffer if she were put back in a dissociative state or experienced a resurgence of her PTSD symptoms, nor does she explain what symptoms like "low frustration tolerance, aggressive behaviors, [and] poor coping skills" look like for Doe. Doe has these symptoms, D'Amore is clear about that, but the Court is left to guess how those symptoms affect Doe. Doe does not explain how this harm will be irreparable as required to support the requested relief. The Court thus finds that D'Amore's statements as to the potential harm the deposition might cause are conclusory. While the Court understands and sympathizes with D'Amore's concerns, the evidence is simply insufficient to support prohibiting the deposition.

Further, the fact that Doe is traumatized from the abuse is a fact that is true for every victim in a sexual assault case or any other case arising from traumatic events, regardless of age. Yet victims in these cases are deposed and even testify at trial nationwide. *See, e.g., Bucher*, 160 F.R.D. at 94–95 (collecting cases). Doe does not point to, nor can the Court find, a single federal case in which the court prevented the deposition of a sexual assault victim of any age who is a party to the lawsuit on the grounds that the deposition would cause the victim to relive trauma and irreparably harm them. Instead, the courts impose protections to minimize any emotional harm. *See, e.g., Campos*, 288 F.R.D. at 138 (collecting cases); *Bucher*, 160 F.R.D. 88, 94–95 (collecting cases).

**Cognitive soundness.** Once again, Doe relies on D'Amore's declaration for the proposition that Doe is not cognitively sound to answer any questions Defendants may ask her at a deposition. Dkt. No. 86 at 5, 9. To support her opinion that Doe is not cognitively able to give a deposition, D'Amore states the following:

(1) children generally are not developmentally or cognitively able to answer questions about past, present, and future physical and psychological injuries;

(2) this is especially true of children who have experienced extensive trauma;

(3) abstract thinking—“the ability to evaluate, contemplate, and make deductive reasoning judgments”—“does not begin to emerge until a person is 12 to 13 years old”;

(4) Doe “was extremely young when she became a victim of sexual abuse”;

(5) “[a] ten-year-old child, like Jane Doe, does not have the cognitive ability to conceptualize damages related to the past, present, and future”;

(6) “[i]t is not appropriate to expect a child to speak to the impact their trauma had on their life.”

(7) extensive research demonstrates how trauma can alter a person’s physiology; and

(8) “[r]esearch has also found that perpetual, repeated exposure to trauma causes changes in the hippocampus . . . as well as the amygdala[.]”

Dkt. No 86-5 ¶¶ 22–28. D’Amore does not explain the research she discusses, nor does she provide citations for it. She simply states that because the research shows these physiological changes and children generally struggle to conceptualize past, present, and future damages, Doe will also struggle to conceptualize it. Despite being Doe’s treating therapist for over two years, D’Amore does not relate any of this research back to specific observations or experiences with Doe that would suggest Doe actually struggles with abstract thinking or has an altered physiology. Instead, she bases her opinion solely on generic principles.

An opinion based on generic principles cannot support a protective order prohibiting a party deposition. *See, e.g., Jennings v. Fam. Mgmt.*, 201 F.R.D. 272, 275 (D.D.C. 2001); *Edgin ex rel I.E. v. Blue Valley USD 220*, Case No. 20-2547-EFM, 2021 WL 1750861, at \*1–2 (D. Kan.

May 4, 2021) (permitting the deposition of a traumatized minor plaintiff when the doctor’s opinions that the plaintiff should not be deposed “are based on generic principles, not an individualized opinion from a review of this case”). In *Jennings*, an elderly plaintiff suffering from dementia sought to quash her deposition, relying on the report of her treating psychologist. 201 F.R.D. at 275. The psychologist opined that the plaintiff was “likely at risk of harm if she is made to give testimony because individuals with dementia may be especially vulnerable to physical and psychological stressors[.]” *Id.* The court permitted the deposition to proceed, finding that “although the report asserts that [the plaintiff] faces a ‘danger of exacerbating her symptoms of dementia and depression’ if she is made to testify, it does not state with specificity how or why this will happen.” *Id.*

Here, D’Amore’s declaration faces a similar issue. D’Amore asserts that “it is more likely than not that Jane Doe will be put back into a dissociated state if she is . . . asked questions she cannot cognitively answer[.]” which will cause Doe “further confusion, traumatization, and harm.” Dkt. No. 86-5 ¶¶ 31–32. Like how the psychologist in *Jennings* relied on the general principle that individuals with dementia may be especially vulnerable to stressors, D’Amore relies on the general principle that children younger than 12 or 13 who have experienced extensive trauma are especially vulnerable to confusion, traumatization, and harm because they cannot cognitively answer certain questions. And just like the report in *Jennings*, D’Amore asserts that these cognitive issues will happen with Doe but does not state with specificity how or why. Without specifically tying the generic principles to Doe’s individualized symptoms and explaining how those symptoms will harm Doe, D’Amore’s opinion that Doe lacks the cognitive ability to answer Defendants’ questions cannot support prohibiting the deposition.

Further, how well a deponent answers questions or understands questions is entirely based on what questions counsel asks. The Court is not going to prohibit a deposition based on sheer guesses of what kinds of questions Defendants' counsel will ask and speculation as to whether Doe is cognitively sound to answer those potential questions, especially when Defendants represented at the hearing that they would ask questions crafted appropriately for Doe's age and cognitive ability.

**Not testifying at trial.** If testifying at a deposition will potentially harm Doe, testifying at trial can only magnify that concern. In the deposition context, Doe has far more freedom to dictate the format of her testimony—she can testify from a location where she feels safe and comfortable, her parents and therapist can be in the room with her, she can take as many breaks as she needs, she only needs to focus on one attorney asking her questions from an entirely separate location, and defense counsel may question her remotely so as to not intimidate her by being physically present in the room. Conversely, in the trial context, she would be forced to sit on a witness stand and answer questions about an event no child should ever have to experience and that she would rather forget in an unfamiliar room in front of her entire legal team, Defendants' entire legal teams, a jury of strangers, and courthouse staff.

Doe may not testify in her case-in-chief at trial, but at present, nothing prevents the Defendants from calling her adversely should they need to substantiate a claim or perhaps rebut the claim of one of Doe's experts. At the hearing, counsel for Defendants indicated that taking Doe's recorded deposition would eliminate any potential need they may have to call her at trial. Thus, allowing Defendants to take Doe's recorded deposition avoids the need for *either* party to call her at trial, which eliminates the potential for emotional harm in the trial context entirely and

enables her to give testimony in a far less adversarial environment, all while still affording Defendants the opportunity to explore a universe of facts that only Doe may know.

**Information from other witnesses.** Doe argues that the deposition is not necessary because Defendants deposed her parents and experts will be available to testify at trial on any issue that may be addressed during Doe's deposition. Dkt. No. 86 at 9. These are not substitutions for Doe's deposition. The Court cannot merely accept the representation that Doe's testimony will not add anything more to the evidence in this case, particularly because of the overwhelming law that permits such depositions. While Doe's family members may be able to provide some relevant insight, the family members can only provide their adult-perceptions of the incident's impact on Doe, which is an insufficient substitute for Doe's own account of her experiences. In most cases, evidence can be obtained from multiple sources and witnesses will frequently testify to the same set of facts or issues. This does not warrant prohibiting a party's deposition.

In *Campos*, for example, the court drew an important distinction in holding that the defendants could depose the plaintiff's son:

In the cases the Court has found in which a protective order completely proscribing a deposition is issued, there appears to be a clear distinction from the present case. Those cases prohibit the deposition of a witness, rather than that of a party.

...

Conversely, where a party is seeking to prohibit his or her own deposition, courts have refused to issue a blanket prohibition of the deposition, and instead have imposed safeguards and conditions on said deposition.

288 F.R.D. at 137–38. Taking the party's deposition allows the deposing party to obtain evidence that may be used to show that testimony from others is potentially affected by incomplete information, inaccurate information, bias, or differing perspectives.

In addition, even though Doe may not be called to testify at trial, her deposition could lead to admissible evidence that is relevant to Defendants' defense, especially because Doe's parents, therapist, and other experts will offer testimony about damages. Defendants are entitled to explore what Doe has to say about the same matter, if for no other reason than to bolster or undermine the credibility of the other witnesses who will testify on the subject.

**Age.** During oral arguments, Doe's counsel emphasized Doe's age as a basis for the requested relief. Doe has not, however, cited a single authority that stands for the proposition that a deponent's age is relevant to the determination. Doe did not cite to a single case that held a person in her position should be prohibited from being deposed. When asked for cases with such holdings at the hearing, Doe's counsel admitted there were none.

In several cases where the depositions of young children who were parties to the action have been permitted to proceed, the courts determined, after weighing the considerations, that any undue burden on the child was outweighed by the significance of the testimony to the party seeking to depose them. For example, in *Graham v. City of New York*, the court determined that although the minor plaintiff was four years old at the time of the underlying incident, his testimony "regarding his state of mind is relevant to establishing the elements of his claims, and essential to defendants' ability to discover facts necessary to their defense, whether through a motion for summary judgment or trial." No. 08-cv-3518(KAM) RML, 2010 WL 3034618, at \*4 (E.D.N.Y. Aug. 3, 2010). The *Graham* court specifically noted that the defense sought to depose the minor, who was a "party witness," in part, on a "critical and very meaningful" and "crucial" issue that "could prove essential to the defense." *Id.*; see also *Doe v. New Fairfield Bd. of Educ.*, No. 3:13CV1025 (WWE), 2014 WL 7271522, at \*1–3 (D. Conn. Dec. 18, 2014) (permitting the deposition of a minor plaintiff who was in sixth grade at the time of the underlying incident

because her testimony was relevant to her claim of damages and the causal relationship between the alleged conduct and claimed damages). Doe has not provided the Court with any legal precedent that supports departing from this well-established approach.

Outside of D'Amore's declaration, Doe relies primarily on *Salter v. Upjohn Company*, 593 F.2d 649 (5th Cir. 1979), in support of her argument. Dkt. No. 86 at 7–8. *Salter* dealt with quashing an apex deposition of a non-party corporate executive that had no personal knowledge of the facts the party intended to illicit in the deposition. 593 F.2d 649 (5th Cir. 1979). In most cases in which the court grants a protective order that bars a deposition, the deposition at issue is that of a non-party. *See, e.g., id.*; *Williams*, 2019 WL 5963969, at \*8, 10; *see also Campos*, 160 F.R.D. at 137–38 (“Those cases prohibit the deposition of a witness, rather than that of a party.”) (Collecting cases). Even in *Williams*, a case in which the court quashed the deposition of a traumatized child who was a non-party witness, the court noted that “in several cases where the depositions of young children who were parties to the action have been permitted to proceed, the courts determined, after weighing the considerations, that any undue burden on the child was outweighed by the significance of the testimony to the party seeking to depose them.” 2019 WL 5963969, at \*7. The court then distinguished non-party cases, going so far as to emphasize that the quashed deposition in *Williams* was that of a non-party. *Id.* at \*10. Unlike *Salter* and *Williams*, the deposition at issue here is that of the plaintiff herself. When a party deposition is at issue, the courts overwhelmingly refuse to prohibit the deposition, opting for reasonable protections instead.

Again, Doe does not cite a single case that supports her position that a minor should not be deposed because of the trauma that she claims will be caused by her deposition, and during the hearing Doe's counsel admitted there was no such case. Conversely, there are numerous cases

from courts throughout the country that have permitted depositions of similarly situated minors in the face of the same arguments Doe raises when supported by similar evidence.

### **V. CONCLUSION**

Ultimately, wholly prohibiting a deposition is only one of many options the Court may take under Rule 26(c), and it is by far the most extreme. The Court recognizes that the deposition may expose Doe to mental and emotional harm, but the evidence does not indicate what that harm would be, the potential effect of that harm, or that such harm is so irreparable that the deposition should not take place. Considering all the factors at issue, the Court finds that the Defendants' right to depose the sole party in interest in this case outweighs Doe's concern that she will be further harmed by the deposition process. However, the Court also recognizes the importance of providing protections for Doe to minimize the impact and turns to other reasonable protections as suggested in Rule 26(c).

Because the Court finds that Defendants are entitled to take Doe's deposition, the Court **DENIES** Doe's Motion for a Protective Order. The Court recognizes, however, that protections are necessary to minimize the emotional harm that may result from the deposition while still allowing Defendants to conduct their discovery. Accordingly, the Court **ORDERS** that Defendants may depose Doe subject to the following protections:

1. The parties shall conduct Jane Doe's deposition remotely via recorded video call (*e.g.*, Zoom) at a mutually agreed-upon date and time, so that Doe may testify from a location most comfortable to her.

2. The following persons may be present in the same room with Doe during her deposition: (a) her parents; (b) one of her preferred licensed mental or emotional health providers; and (c) her counsel.

3. The deposition should be video recorded in such a manner that only Doe and the attorney asking questions are visible. Defendants and their attorneys are not allowed physical access to Doe at any point during the deposition.

4. One attorney shall represent both LISD and Jewell at the deposition, and only that attorney may conduct any examination on behalf of the Defendants.

5. The subject matter of the deposition is limited to exploring only those facts related to Doe's past, present, and future physical and psychological pain, suffering, and impairment.

6. Counsel's questioning shall proceed cautiously and sensitively, and counsel should strive to craft questions in a manner that minimizes the potential for psychological harm to the greatest extent possible. Counsel shall further refrain from engaging in tactics to confuse, annoy, harass, or imply doubt regarding Doe's veracity.

7. The length of the deposition is limited to two hours of direct examination. The time limit does not include time used for objections, attorney dialogue, breaks, or other interruptions. Doe's counsel may then cross-examine her for no longer than 30 minutes, and counsel for Defendants may follow up with re-direct examination for no longer than the actual length of the cross-examination and only as to subjects raised for the first time during the cross-examination. In no event may the total time exceed three hours.

**SIGNED** this 31st day of July, 2026.



DAN N. MACLEMORE  
UNITED STATES MAGISTRATE JUDGE