

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

Ashley DIAMOND,

Plaintiff,

v.

Arneika SMITH,

Defendant.

Civil Action File No.  
5:21-cv-378-MTT

**DEFENDANT’S MOTION FOR AN ORDER AUTHORIZING  
DEFENDANT TO DEPOSE INMATE/PLAINTIFF**

COMES NOW, Defendant Arneika Smith by and through her undersigned counsel of record and moves this Court pursuant to Fed. R. Civ. P. 30(a)(2)(B) to allow her to take the deposition of Plaintiff who is an inmate believed to be currently incarcerated within the custody of the Georgia Department of Corrections in a state prison facility. In support of her Motion Defendant states the following:

1.

Based on the information provided by Plaintiff’s counsel, Plaintiff Ashley Diamond is believed to be an inmate in the custody of the Georgia Department of Corrections with the inmate number of GDC #1000290565 and date of birth April 9, 1978.

2.

Plaintiff has made allegations in the Complaint against Defendant Arneika Smith, namely that Ms. Smith made improper sexual contact with Plaintiff and held Plaintiff against Plaintiff's will. Defendant denies all substantive allegations.

3.

Defendant A. Smith believes that Plaintiff's testimony is relevant and essential to the preparation of her defense in this case and seeks to take Plaintiff's deposition at the location of Plaintiff's incarceration as soon as reasonably possible during discovery but before the close of discovery set for March 25, 2022.

4.

Because Plaintiff is incarcerated, Fed. R. Civ. P. 30(a)(2)(B) requires that this Court must grant Defendant leave to take Plaintiff's deposition before she can notice Plaintiff's deposition. Therefore, Defendant seeks leave of this Court to take the deposition of Plaintiff during the near future and within the time limitations of discovery established by this Court.

### **CONCLUSION**

WHEREFORE, for the above reasons, Defendant requests this Court GRANT her Motion for Leave to Depose Inmate/Plaintiff. A proposed Order is submitted along with this Motion for the Court's convenience.

Respectfully submitted this 14<sup>th</sup> day of January, 2022.

**SATCHER & MCGOVERN LLC**

/s/ Annarita L. McGovern  
ANNARITA L. MCGOVERN  
Georgia Bar No. 098141

/s/ Terry L. Long  
TERRY L. LONG  
Georgia Bar No. 457460

*Counsel for Defendant Arneika S. Smith*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day I served a true and correct copy of the within and foregoing **DEFENDANT’S MOTION FOR AN ORDER AUTHORIZING DEFENDANT TO DEPOSE INMATE/PLAINTIFF AND PROPOSED ORDER** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to counsel of record as follows:

Elizabeth Littrell  
Tyler Rose Clemons  
Maya G. Rajaratnam  
Jennifer Vail  
Southern Poverty Law Center  
Chinyere Ezie  
Center for Constitutional Rights  
*Counsel for Plaintiff*

This 14<sup>th</sup> day of January, 2022.

**SATCHER & MCGOVERN LLC**

/s/ Annarita L. McGovern  
ANNARITA L. MCGOVERN  
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**ORDER ALLOWING DEFENDANT TO TAKE THE DEPOSITION OF  
PLAINTIFF WHO IS IMPRISONED WITH THE GDC**

This matter comes before the Court on Defendant Arneika Smith's MOTION FOR LEAVE TO DEPOSE PLAINTIFF who is believed to be an inmate imprisoned with the Georgia Department of Corrections. Having duly considered Defendant's Motion and for good cause shown IT IS HEREBY ORDERED THAT DEFENDANT'S MOTION BE GRANTED.

Defendant is authorized to take the deposition of Plaintiff forthwith at Plaintiff's location of incarceration within the custody of the Georgia Department Corrections during the time for discovery and upon proper Notice being given to all counsel of record of the date, time, and location of the same. The deposition shall be held on or before March 25, 2022, which is the date of the close of discovery.

A copy of this Order and a copy of the Notice of Deposition shall also be sent to the Georgia Department of Corrections and the Georgia State Attorney General.

SO ORDERED this \_\_\_\_\_ day of January, 2022.

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MARC T. TREADWELL, CHIEF JUDGE  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF GEORGIA