

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:22-cv-191

KANAUTICA ZAYRE-BROWN,

Plaintiff,

v.

NORTH CAROLINA DEPARTMENT OF
PUBLIC SAFETY, et al.,

Defendant.

**DEFENDANTS' CONSENT MOTION
FOR LEAVE TO DEPOSE A PERSON
CONFINED IN PRISON**

NOW COME Defendants through the undersigned counsel, and with the consent of counsel for Plaintiff, to request leave of Court, pursuant to Fed. R. Civ. P. 30(a)(2)(B), to depose Plaintiff, Kanautica Zayre-Brown.

In support of this motion, Defendants state the following:

1. The undersigned counsel has conferred with counsel for Plaintiff, and they consent to this motion.
2. In this action, Plaintiff seeks monetary damages and injunctive relief against Defendants for alleged violations of her constitutional and other rights.
3. Specifically, Plaintiff alleges deliberate indifference to serious medical needs in violation of the Eighth Amendment to the U.S. Constitution and Article I, Section 27, of the North Carolina Constitution.
4. Additionally, Plaintiff alleges that Defendants have discriminated against them based on purported disabilities in violation of the Americans with Disabilities Act and the Rehabilitation Act.
5. Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure, requires a party to obtain

leave of court to depose someone “confined in prison.”

6. Plaintiff is currently incarcerated in a prison in the custody of the North Carolina Department of Public Safety.

7. Additionally, Rule 30(a)(2)(B) provides that “the court must grant leave to the extent consistent with Rule 26(b)(1) and (2).

8. The undersigned counsel seeks leave to depose Plaintiff because she likely has discoverable knowledge and information that is relevant to the various claims she asserts in this action.

9. Therefore, the undersigned counsel, with consent from counsel for Plaintiff, respectfully seeks leave of court to take the depositions of Plaintiff.

10. Attached hereto as Exhibit A, is the Notice of Deposition that Defendants intend on serving on Plaintiff, upon receiving the grant of leave requested herein.

WHEREFORE, Defendants, respectfully move the Court for the entry of an Order granting leave to depose Plaintiff pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure.

This the 15th day of December, 2022.

/s/Orlando L. Rodriguez
Orlando L. Rodriguez
Special Deputy Attorneys General
N.C. Department of Justice
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/s/ Stephanie A. Brennan
Stephanie A. Brennan
Special Deputy Attorney General
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sbrennan@ncdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will provide notice to the following counsel of record who represents Plaintiff:

Jaclyn A. Maffetore
Daniel K. Siegel
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This the 15th day of December, 2022.

/s/ Orlando L. Rodriguez
Orlando L. Rodriguez

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Defendant.

**NOTICE OF DEPOSITION OF
VIDEOTAPED DEPOSITION**

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants in the above-captioned matter will take the deposition upon oral examination of Plaintiff, Kanautica Zayre-Brown.

The deposition will begin at 10:00 a.m. on Wednesday, January 18, 2023 at Anson Correctional Institution, 552 Prison Camp Road, Polkton, NC. The deposition will be recorded by video and stenographic means and shall take place before a notary public or other person authorized by law to administer oaths.

This the ____ day of December 2022.

JOSHUA H. STEIN
Attorney General

/s/ Orlando L. Rodriguez
Orlando L. Rodriguez
Special Deputy Attorney General
orodriguez@ncdoj.gov

Stephanie A. Brennan
Special Deputy Attorney General
sbrennan@ncdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, I served the NOTICE OF DEPOSITION upon counsel for Plaintiff as follows:

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jondavidson@aclu.org
tbrown@aclu.org
lnowlin-sohl@aclu.org

This the ____ day of December 2022.

/s/ Orlando L. Rodriguez
Orlando L. Rodriguez

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**ORDER GRANTING DEFENDANTS'
CONSENT MOTION FOR LEAVE TO
DEPOSE A PERSON CONFINED IN
PRISON**

THIS MATTER is before the Court on the motion of Defendants, pursuant to Rule 30(a)(2)(B), and with the consent of counsel for Plaintiff, for leave to depose Plaintiff, who is currently in prison. Based on the matters stated in Defendants' consent motion [DE-33] seeking leave to depose Plaintiff, the Court has determined that Defendants are entitled to depose Plaintiff.

THEREFORE, the undersigned hereby grants leave for Defendants to take the deposition Plaintiff pursuant to Rule 30(a)(2)(B).

This the ____ day of _____, 20__.
