

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Casey Lowe v. Thomas J. Vilsack

No. 2:24-CV-1287-DMC · No. No. 2:24-CV-1287-DMC · Decided December 17, 2025

SUMMARY

The United States District Court for the Eastern District of California denies Plaintiff Casey Lowe’s motion for sanctions under Federal Rule of Civil Procedure 30(d)(2), arising from defense counsel’s conduct during a deposition. The court declines to reject the motion on procedural grounds and concludes that counsel’s objections, although sometimes adversarial, did not impede, delay, or frustrate the deposition.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 17, 2025
DOCKET	No. 2:24-CV-1287-DMC
DISPOSITION	denied
PROCEDURAL POSTURE	Motion for sanctions under FRCP 30(d)(2) regarding deposition conduct
PRECEDENTIAL VALUE	unpublished

TOPICS

- sanctions discovery dispute civil procedure

PRACTICE AREAS

- civil procedure discovery dispute

QUESTIONS PRESENTED

- Whether sanctions are appropriate under FRCP 30(d)(2) for defense counsel’s objections and conduct during a deposition
- Whether Plaintiff complied with procedural requirements for filing a motion for sanctions

HOLDINGS

1. Sanctions are not appropriate because Defendant's objections during Ms. Blount's deposition, though adversarial and aggressive, properly preserved Defendant's objections in response to the questions posed and did not impede, delay, or frustrate Plaintiff's ability to conduct the deposition.
2. The Court declines to deny the motion on procedural grounds, finding prior informal discovery conferences satisfied meet-and-confer requirements and that the Court's own scheduling impacted the hearing date.

KEY QUOTATIONS

"The Court finds that sanctions are not appropriate because Defendant's objections during Ms. Blount's deposition, though adversarial and, at times, aggressive, properly preserved Defendant's objections in response to the questions posed and did not impede, delay, or frustrate Plaintiff's ability to conduct the deposition." (at 10)

FACTUAL BACKGROUND

Plaintiff conducted a deposition of Defendant's National Pandemic Coordinator, Ms. Blount, regarding Defendant's COVID-19 screening testing program. Plaintiff alleged defense counsel made numerous speaking objections, instructed the witness not to answer five times without privilege, and made accusations of harassment, obstructing the deposition. Defendant countered that objections were appropriate and the deposition transcript, produced by Readback Active Reporting, was improperly prepared.

PROCEDURAL HISTORY

Plaintiff filed a motion for sanctions based on defense counsel's conduct during a deposition. Defendant opposed on procedural and substantive grounds. After briefing and a hearing, the Court denied the motion.

DISPOSITION

denied

CASES CITED

- Wyle v. R.J. Reynolds Indus., Inc., 709 F.2d 585 (9th Cir. 1983)
- Sentis Grp., Inc., Coral Grp., Inc. v. Shell Oil Co., 559 F.3d 888 (8th Cir. 2009)
- BNSF Ry. Co. v. San Joaquin Valley R.R. Co., No. 08CV1086-AWI-SMS, 2009 U.S. Dist. LEXIS 111569 (E.D. Cal. Nov. 17, 2009)
- Robinson v. Chefs' Warehouse, No. 15CV5421-RS(KAW), 2017 U.S. Dist. LEXIS 40824 (N.D. Cal. Mar. 21, 2017)
- Pickholtz v. Rainbow Technologies, Inc., 284 F.3d 1365 (Fed. Cir. 2002)
- Freedom's Path at Dayton v. Dayton Metro. Hous. Auth., Case No. 3:16-cv-466 (S.D. Ohio Jun 13, 2018)
- In re EpiPen, Case No. 17-md-2785-DDC-TJJ (D. Kan. Dec 14, 2018)
- Cincinnati Ins. Co. v. Serrano, No. 11-2075-JAR, 2012 U.S. Dist. LEXIS 1363 (D. Kan. Jan. 5, 2012)

- AtPac, Inc. v. Aptitude Sols., Inc., No. CV 2:10-294 WBS JFM (E.D. Cal. Apr. 13, 2011)
- Deerpoint Grp., Inc. v. Agrigenix, Ltd. Liab. Co., No. 1:18-cv-00536-AWI-BAM (E.D. Cal. Oct. 31, 2022)

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