

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEVEN J. PEPLINSKI,

Plaintiff,

ORDER

v.

06-C-733-C

TERRY COLLINS, *et al.*,

Defendants.

This civil rights lawsuit arises out of pro se plaintiff Steven J. Peplinski's claim that defendants, the City Clerk, City Attorney, and Common Council Members of Galesville, Wisconsin, conspired to violate Peplinski's civil rights in 2003 by passing a municipal resolution banning Peplinski from entering public buildings in Galesville. The claimed reason for this resolution was to reduce Peplinski's alleged relentless harassment of city employees.

Peplinski wishes to depose defendant Robert Longwell, the former city attorney, and defendant Sarah Karbula, the city clerk. One alleged reason for the Peplinski's harassment campaign was vengeance for having been subjected to criminal charges related to sexual advances he was accused of having made to Karbula.

Before the court is Longwell and Karbula's motion for a protective order laying ground rules for their deposition by Peplinski. *See* dkts. 12-13. Their demands are relatively straightforward:

(1) The deposition be held either in defendants' attorney's office in Eau Claire or in some other attorney's office in La Crosse (for which they will assume their own mileage fees);¹

¹ Plaintiff lives in Rochester, Minnesota, which is about 95 miles southwest of Eau Claire *via* secondary highways, and about 75 miles west of La Crosse *via* I-90.

(2) Peplinski limit his questioning to inquiries reasonably calculated to lead to the discovery of admissible evidence regarding those facts that are currently in dispute in the instant lawsuit; and

(3) Peplinski not re-litigate his past disputes with these defendants or otherwise harass or embarrass them; and

(4) Peplinski not use the discovery process in a way which is calculated to be disruptive, oppressive or vindictive.

Peplinski opposes this motion, generally claiming that his lawsuit is well-founded and a specifically claiming that defendants had not shown any evidence of Peplinski having acted inappropriately. *See* dkt. 16.

I am granting defendants motion in part and at least as a technical matter, denying it in part as redundant of the applicable rules of civil procedure. The deposition shall take place in La Crosse, as soon as is practical, unless the parties agree to postpone it to wait for a ruling on summary judgment. (Conversely, if Peplinski needs to supplement his summary judgment response with information gleaned from these depositions, then he must make a prompt request, which the court will honor with a brief deadline extension).

I will not, at this time, separately order Peplinski to comply with his clear obligations under F.R. Civ. Pro. 26(b), 26 (c) and 30(d)(4). I find from Peplinski's response that he understands his obligations and that he has averred to this court his intent punctiliously to comply with those obligations. Therefore, if Peplinski breaks his word and violates his

obligations, then this court will sanction him in whatever manner the court deems appropriate, which could include cost-shifting, closing discovery in whole or in part, or dismissal of this lawsuit with prejudice.

Entered this 3rd day of August, 2007.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge