

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

SERGEY V. ANDREYEV,

Plaintiff,

v.

DENNIS E. RICHARDS, *et al.*,

Defendants.

ORDER

09-cv-651-slc

Plaintiff is proceeding on his claim that defendants were deliberately indifferent to his serious dental needs. Now before the court is plaintiff's motion to appoint counsel for his deposition, which is scheduled for September 13, 2010. This motion will be denied.

In his motion, plaintiff expresses this concerns that at the deposition he may be asked questions that go beyond the scope of the present case, or that require him to reveal privileged information, or that implicate his Fifth Amendment right not to incriminate himself. These are legitimate concerns, but plaintiff can raise these objections on his own, without assistance from a lawyer.

As for any question that plaintiff deems irrelevant, plaintiff may make an objection for the record, but then he still will have to answer the question. This would be true even if he had a lawyer.

Plaintiff *can* refuse to answer questions that he genuinely believes ask for privileged information (such as a confidential attorney-client conversation) or that would implicate his Fifth Amendment right not to incriminate himself. Plaintiff must have a good faith basis for making any claim of privilege. Plaintiff should be aware that if he asserts a Fifth Amendment

privilege in this civil lawsuit, then it is possible that the jury could be told this, depending on the circumstances.

Other than being aware of his right to keep genuinely privileged information confidential, all plaintiff needs to do is provide background information and tell his version of events in response to questions posed by defendant's lawyers. These are things that plaintiff is capable of doing without assistance from an attorney.

ORDER

IT IS ORDERED that plaintiff Sergey Andreyev's motion for appointment of counsel at his deposition, dkt. 65, is DENIED.

Entered this 7th day of September, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge