

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

MICHAEL W. ROGERS,

Plaintiff,

v.

RICHARD ENGLISH,

Defendant.

Case No. 19-3145-JAR-ADM

**ORDER**

On April 11, 2022, the court conducted a show cause hearing to address whether court reporter Dana Burkdoll (“Burkdoll”) should be found in contempt for failing to comply with the court’s January 13, 2022 order (ECF 110) compelling production of Plaintiff Michael W. Rogers’s (“Rogers”) deposition transcript. Burkdoll appeared in person and through counsel. Rogers and defendant Richard English (“English”) appeared through counsel.

During the hearing, as more fully stated on the record, the court found that no contempt citation should be issued. Although the parties dispute the events that led to the incomplete and partially inaccurate deposition transcript, it appears that based on Burkdoll’s representation and her efforts to prepare the deposition transcript that she has now produced the best transcript possible given the inferior quality of the audio recording of the deposition.<sup>1</sup> The court then set the following deadlines:

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<sup>1</sup> Burkdoll also reported that English has not paid for the deposition transcript. Consequently, Burkdoll technically cannot be found to have violated Federal Rule of Civil Procedure 30(f)(3), which provides that “[w]hen paid reasonable charges, the officer must furnish a copy of the transcript or recording to any party or the deponent.”

- By **April 13, 2022**, Burkdoll shall produce the audio recording of the deposition to English.
- By **April 22, 2022**, English will notify Rogers whether he accepts Burkdoll's transcript of the deposition or whether he seeks to re-depose Rogers (in which case, the transcript of the first deposition would be deemed null and void).
- By **April 29, 2022**, the parties shall jointly notify the chambers of the undersigned judge whether English seeks to re-depose Rogers and, if so, whether Rogers consents to sitting for a second deposition. If there is a dispute, the court will set the matter for a hearing and, if necessary, set motion briefing deadlines.

**IT IS SO ORDERED.**

Dated April 11, 2022, at Kansas City, Kansas.

s/ Angel D. Mitchell  
Angel D. Mitchell  
U.S. Magistrate Judge