



IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

JOHN DOE M.S.,

Plaintiff

v.

FATHER MICHAEL TIERNEY, et al.

Defendants

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CASE NO 1016-CV-29995

DIVISION 7

**ORDER DENYING DAVID CLOHESSY'S MOTION
TO RECONSIDER AND CLARIFY COURT'S PROTECTIVE ORDER**

On this 28th day of December, 2011, this Court takes up for consideration Plaintiff's and David Clohessy's Motions to Reconsider and Clarify Court's Protective Order. Based on a review of the pleadings and the applicable law, the Court finds as follows:

On November 29, 2011, the Court entered its Order Granting in Part and Denying in Part Motions to Quash Deposition of David Clohessy. Plaintiff and David Clohessy have both filed motions requesting reconsideration of that motion and to clarify the protective order. Both motions are based on a presumption that ordering the deposition to proceed constitutes significant violations of U.S. constitutional rights and of Missouri Statutes. In addition, Plaintiff claims that an ultra-conservative advocacy group "has entered the fray" and that the ramifications of this deposition extend far beyond this litigation.

Neither the November, 29, 2011 Order nor any order entered in this case required Clohessy or SNAP to disclose any information in violation of RSMo. § 455.003 or any other statute. In addition, nothing in the Court's orders compels Clohessy to answer questions which negate constitutional rights or protections to which Clohessy and/or SNAP is entitled. Further,

the Court cannot enter rulings based on the possibility that there may be additional agendas which may be involved in the discovery process.

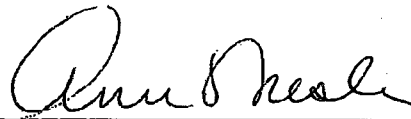
In effect, Clohessy is seeking to prevent the deposition of an individual who almost certainly has knowledge concerning issues relevant to this litigation including, but not limited to statute of limitations defenses. The Court recognizes that questions may be asked which seek information as to which there are constitutional or statutory protections, or to which other reasonable objections may be made. The Court further recognizes that there may be questions which the witness refuses to answer. Neither of these possibilities constitutes a basis for precluding Clohessy's deposition or prohibiting other reasonable inquiry. These are problems which are regularly handled in contentious litigation.

Finally, Plaintiff argues that he is entitled to a hearing on this motion. The issues have been extensively briefed, counsel have appeared and discussed these issues on the record and informally on multiple occasions and the Court believes that there is no need for further review of this matter.

WHEREFORE, the Motion to Reconsider Motion to Quash and Clarify Court's Protective Order is denied.


IT IS SO ORDERED.

Dec 28, 2011
Date


The Honorable Ann Mesle
Circuit Court Judge

I certify that copies were distributed on
this _____ of _____, 20__ to:

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