

Montana's Second Judicial District  
Silver Bow County

FILED 03/17/2022

MAR 01 2022  
Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
By: Tom Powers, Clerk  
Deputy Clerk  
Number: OP 22-0135

JOHN and HEATHER STENSON,  
individually and on behalf of minor child,  
R.L.S.

Plaintiffs,

v.

BUTTE CENTRAL CATHOLIC HIGH  
SCHOOL, BUTTE CENTRAL  
SCHOOLS, MONTANA CATHOLIC  
CONFERENCE, ROMAN CATHOLIC  
DIOCESES OF HELENA, ROMAN  
CATHOLIC BISHOP OF HELENA, and  
AMY J. KADRMAS,

Defendants.

CAUSE NO. DV 20-252

**ORDER DENYING MOTION FOR  
PROTECTIVE ORDER AND MOTION  
TO QUASH**

**ORDER**

Before the Court is Plaintiffs' Motion for Protective Order and Motion to Quash. Plaintiffs move the Court to enter a protective order, quashing the Deposition notice, and prohibiting Defendants from seeking the deposition of R.L.S. which they contend is unnecessary, harassing, and unrelated to any claim or cause of action against the Defendants seeking to depose R.L.S. The moving Defendants are Butte Central Catholic High School, Butte Central Schools, Roman Catholic Dioceses of Helena and Roman Catholic Bishop of Helena (Catholic School Defendants). The Motions are fully briefed, and a hearing is unnecessary. The Motion for Protective Order and Motion to Quash are DENIED.

Plaintiffs state R.L.S. is a juvenile victim suffering from emotional trauma and argue a deposition of R.L.S. puts his health and safety at risk based on the professional reports and

opinion of Roy Lubit, MD, Ph.D. Plaintiffs argue R.L.S. as a youth should be subject to increased protection in the discovery process and contend that all relevant information can be obtained from Amy Kadramas' admissions of guilt, and prior interviews with R.L.S. and others. Plaintiffs also offer other methods of discovery, if necessary. Lastly, Plaintiffs assert the Defendants are using the discovery and deposition of R.L.S. to humiliate, harass, and cause more emotional harm to R.L.S..

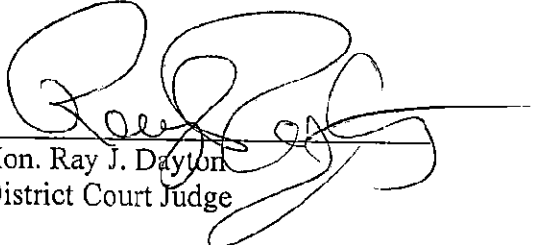
Defendants contend they would be prejudiced by a protective order stating RLS's deposition is necessary because the lawsuit was initiated on his behalf and argue he is the sole source of evidence supporting the negligence claims against the Catholic School Defendants. Catholic School Defendants argue his testimony at trial is needed to establish any liability against the Defendants and as such it is necessary to depose R.L.S. prior to his trial testimony to gather all relevant facts. Defendants also contend there is no record of Amy Kadramas' admissions of guilt. Defendants assert Plaintiffs have failed to meet their burden to establish good cause, citing issues and inconsistencies in Dr. Lubit's conclusive statements and interpretive discrepancies with Plaintiffs case law.

A party may move for a protective order and the Court, for good cause, may limit discovery to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. Mont.R.Civ.P. 26(c). The party moving for a protective order has the burden of showing good cause by demonstrating the harm or prejudice that will result from discovery. *Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1063 (9th Cir. 2004). Given due consideration of all the arguments, the Plaintiffs have not met their burden in showing good cause exists to prevent the harm or prejudice that will result from taking the deposition of R.L.S..

//

The Motion for Protective Order and Motion to Quash are DENIED.

March 1, 2022.



Hon. Ray J. Dayton  
District Court Judge

## **CERTIFICATE OF SERVICE**

I, Lawrence Henke, hereby certify that I have served true and accurate copies of the foregoing Notice - Other to the following on 03-17-2022:

Bradley Luck (Attorney)  
Garlington, Lohn & Robinson, PLLP  
P.O. Box 7909  
Missoula MT 59807  
Representing: Butte Central Catholic High School, Butte Central Schools, Roman Catholic Bishop of Helena, Roman Catholic Diocese of Helena  
Service Method: eService

Emma Mediak (Attorney)  
Garlington, Lohn & Robinson, PLLP  
P.O. Box 7909  
Missoula MT 59807  
Representing: Butte Central Catholic High School, Butte Central Schools, Roman Catholic Bishop of Helena, Roman Catholic Diocese of Helena  
Service Method: eService

Patrick Sullivan (Attorney)  
1341 Harrison Ave  
Butte MT 59701  
Representing: Amy Kadrmas  
Service Method: eService

David Vicevich (Attorney)  
3738 Harrison Ave.  
Butte MT 59701  
Representing: Heather Stenson, John Stenson  
Service Method: eService

Ray Dayton (Respondent)  
Third Judicial District  
800 S. Main  
Anaconda MT 59711  
Service Method: Conventional

Electronically Signed By: Lawrence Henke  
Dated: 03-17-2022