Filed in District Court
State of Minnesota
10/17/2025

STATE OF MINNESOTA **IN DISTRICT COURT**

COUNTY OF OTTER TAIL **SEVENTH JUDICIAL DISTRICT**

Precision Locating, LLC and Arvig Enterprises, Inc.,

Plaintiffs,

ORDER ON MOTION TO COMPEL DEPOSITION TESTIMONY

vs.

Martin D. Starkebaum,

Defendant.

Court File No. 56-CV-25-198

The above-entitled matter came before the Honorable Kevin M. Miller, Judge of District Court, on July 25, 2025, for a motion hearing at the Otter Tail County Courthouse in Fergus Falls, Minnesota. Kurt Erickson, Esq., and Grace Jacobson, Esq., appeared on behalf of Plaintiffs Precision Locating, LLC and Arvig Enterprises, Inc. Jerry Burg, Esq., appeared on behalf of Defendant Martin Starkebaum.

Based on the motion filed, the arguments of counsel, and the applicable law, the Court makes the following:

Findings of Fact

1. On July 3, 2025, Plaintiffs filed a motion to compel deposition testimony. Plaintiffs requested that Defendant be ordered to reappear for his deposition and Plaintiffs be allowed to question him for up to seven more hours; Defendant pay Plaintiffs' costs and fees incurred in bringing the motion; and Defendant pay the costs and fees associated with his May 2, 2025, and the reopened deposition on a date to be determined.

2. Defendant provided testimony at a deposition on May 2, 2025. Plaintiffs ended

Defendant's deposition with two hours 13 minutes remaining due to Defendant's evasive responses. The Court finds that Defendant's conduct during the deposition was intentional and made in effort to frustrate the deposition questioning.

Conclusions of Law

1. Pursuant to Minnesota Rule of Civil Procedure 30.04(b), Plaintiffs will be granted additional time for Defendant's deposition.

2. A videotaped recording of a deposition is not required. Therefore, that is not a reasonable cost to require Defendant to pay under Minnesota Rule of Civil Procedure 30.04(c).

3. The issue of the costs and fees associated with the May 2, 2025, deposition of Defendant and the reopened deposition on a date to be determined will be reserved. Additional information is needed to determine whether sanctions, including reasonable costs and attorney's fees, pursuant to Minnesota Rule of Civil Procedure 30.04(c) are appropriate.

Order

1. Defendant shall reappear for his deposition for up to seven more hours.

2. Plaintiffs' motion that Defendant pay the videographer fees for the time he reappears for his deposition is **denied**.

3. The issue regarding costs and fees for the May 2, 2025, deposition and the reopened deposition at a date to be determined is hereby reserved. Following the completion of the reopened deposition, Plaintiffs shall submit an affidavit detailing the financial requests to allow the Court to determine reasonableness.

4. The issue of costs and fees Plaintiffs incurred in bringing the motion to compel deposition testimony is hereby reserved. Following the completion of the reopened deposition,

Plaintiffs shall submit an affidavit detailing the financial requests to allow the Court to determine reasonableness.

Dated: 10/17/25

By the Court:

Kevin M. Miller
Judge of District Court

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