Filed in District Court
State of Minnesota
11/17/2025

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 QUASH SUBPOENA FOR DEPOSITION OF A MINOR CHILD E.S.

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 October 2, 2025, for a motion hearing at the Otter Tail County Courthouse in Fergus Falls, Minnesota. Kurt Erickson, Esq., appeared on behalf of Plaintiffs Precision Locating, LLC and Arvig Enterprises, Inc. V. John Ella, Esq., and 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 September 11, 2025, Defendant filed a motion to quash the subpoena for the deposition of a minor child E.S.

2. In his answer to the July 25, 2025, amended verified complaint, Defendant asserted the affirmative defense that Plaintiffs' claims of defamation and defamation per se are barred because the statements are the truth or substantially the truth.

3. Defendant has not withdrawn his affirmative defendant that the statements are the truth or substantially the truth.

Conclusions of Law

1. "The trial court has considerable discretion in granting or denying discovery requests." *Erickson v. MacArthur*, 414 N.W.2d 406, 407 (Minn. 1087) (citations omitted).

2. The Court will deny the motion to quash the subpoena for deposition of the minor child E.S., as Defendant has not withdrawn the affirmative defense of truth or substantial truth. If Defendant withdrew the affirmative defense of truth or substantial truth, the Court would consider E.S.'s testimony unnecessary.

3. The deposition of E.S. will be limited to two hours. After the basic biographical information is obtained from E.S., the questions will be limited to the accusations against Matthew Guthmiller and any conversation E.S. may have had with Defendant regarding the accusations.

Order

1. Defendant's motion to quash the subpoena for the deposition of the minor child E.S. is **denied**.

2. The deposition of the minor child E.S. shall be limited to two hours. After the basic biographical information is obtained from E.S., the questions shall be limited to the accusations against Matthew Guthmiller and any conversation E.S. may have had with Defendant regarding the accusations.

Dated: 11/17/25

By the Court:

Kevin M. Miller
Judge of District Court