

## Sanctions for Attorney Misconduct at a Dep: Fact or Fiction?

*James Corey Goode, et al v. Roger Richards Ramsaur, et al, (D. Col. 2023)*

By: Ifti Zaim and Andy Himebaugh | May 30, 2023

Few litigation events cause tempers to flare as surely as depositions, but only once in a blue moon, it seems, will a Court take action against an attorney for violating the rules. However, the planets aligned over the District of Colorado on May 5 when counsel for a defendant in a lawsuit brought by motivational speaker, influencer, YouTube personality, and clone of a space-faring military operative, James Corey Goode crossed the event horizon of unprofessional conduct to discover what lies beyond: sanctions.

In 2020, Goode filed suit against three former business partners. Goode alleged the defendants infringed his Sphere Being Alliance® trademarks, which Goode used in recounting his personal close encounters of the fifth kind in various media such as the show “Cosmic Disclosure” on the Gaia Network. Among these marks are his “Blue Avian™” and “20 and Back™” marks. The “Blue Avian™” mark covers Goode’s name for angelic alien beings (aptly enough, bird-like and blue) with whom Goode claims to have contact. The “20 and Back™” mark references military operations Goode undertook for the Secret Space Program in a past life (of which Goode has total recall even though his memories of his past starship trooper adventures were supposed to have been wiped).



This story begins with a near-miss. When Goode was deposed, his attorney verbally designated all of his deposition as confidential. Defendants’ attorneys objected to the blanket designation and later challenged it again in an email, demanding Goode’s attorneys’ designate which parts were confidential. The message was lost in the currents of space and time until a month later when Goode learned that certain Vimeo and YouTube users, “Cosmic Justice” and “Truthseekers,” had uploaded videos of his deposition. Goode demanded sanctions, asserting the disclosure violated the protective order because it was the defendants’ burden to challenge the designation by motion. The Court, however, found that reading cosmically incorrect. Even though it indicated that the release of the footage “smack[ed] of unprofessionalism,” the Court found it not violative of the protective order because Goode, who had the burden to file a motion to maintain confidentiality, failed to timely respond to Defendants’ challenge of the designation.

Defendant Youngblood’s deposition, however, charted a darker course. Goode claimed that less-than-stellar conduct by Youngblood’s counsel had knocked the deposition off-axis for two hours. The provided transcript excerpts betray an extended coaching session, on the record, regarding the difference between an “estimate” and a “guess,” an instruction to Youngblood not to disclose her birthday, and objections against questions regarding finances. While the Court found the excerpted conduct “clearly sanctionable,” it could not grant the relief Goode requested due to a vacuum of evidence. Thus, the Court ordered Goode to produce the full transcript, identify the other instances of attorney misconduct, and identify and explain the type and amount of sanctions appropriately being sought.

Given Goode’s unearthly background one might be forgiven for presuming it would be Goode whom the Court would need to drag back to earth. However, things are not always as they seem, as it was Defendant Youngblood’s counsel who came into the deposition far too hot and burned up on reentry. In discovery disputes, imposition of sanctions is something of an anomaly, but, as this case proves, they do exist!