

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**GLORIA J. WILLINGHAM,**

**Plaintiff,**

**v.**

**JOHN ASHCROFT,**

**Defendant.**

**Civil Action No. 02-1972 (ESH/JMF)**

**MEMORANDUM**

In a conference call to chambers, the court was advised that plaintiff has asked the deponent, Mr. Marshall, about the deliberative process he utilized in making the decision to indefinitely suspend plaintiff from her employment at the Drug Enforcement Administration. The court understands that, while Mr. Marshall was not asked that precise question during his previous testimony at the April 24, 2001 hearing before the Merit Systems Protection Board, he discussed his decision-making process at length at the hearing. Therefore, according to defendant, plaintiff should not be allowed to pursue this question because the information is available from another source, namely the April 24, 2001 hearing transcript.

The court will overrule defendant's objection and will allow plaintiff's question to stand for the limited purpose of eliciting Marshall's overall description of the process he utilized in making the decision. This is because plaintiff is entitled to ascertain Mr. Marshall's view of the steps he pursued in making the decision, without having the discussion guided by counsel on a

question-by-question basis.

However, this does not mean that plaintiff can follow up with questions that seek information about which Mr. Marshall has already testified. Indeed, it must be understood that, as I have already ruled, plaintiff may not ask questions that elicit the same substantive information as covered in the earlier hearing, even if plaintiff phrases her inquiries in a way that avoids reiteration of the precise questions asked previously.

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JOHN M. FACCIOLA  
UNITED STATES MAGISTRATE JUDGE

April 4, 2005