

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SHUNTA DAUGHERTY, individually, :
and as the administrator of the estate :
of Michael Dashawn Moore, :

Plaintiff, :

vs. : Civil Action No. 1:17-cv-00072-CG-C

HAROLD HURST, :

Defendant. :

ORDER

This matter is before the undersigned on Plaintiff Shunta Daugherty's Motion to Compel Production of ESI and Body-Cam Video ("motion to compel"), which was filed on June 8, 2018. (Doc. 69). This matter came before the undersigned for a hearing, via telephone conference, on July 18, 2018. (Doc. 72). Plaintiff motions the Court to enter an Order that compels non-parties City of Mobile and City of Mobile Police Department (collectively, the "City") to produce certain materials maintained by the City that include body camera video of Defendant Hurst engaged in excessive force and electronically stored information that includes emails, social media posts, and text messages that are related to the shooting of Michael Dashawn Moore on June 13, 2016. (Doc. 69, at 6-8). Plaintiff issued a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to the City on September 25, 2017, (Docs. 42, 69-1, & 69-2). The

City responded it produced Plaintiff's requested video, and coordinated with its IT department to search its emails using the key terms, and date range, that were provided by Plaintiff. (Doc. 77, at 2-4). Plaintiff takes issue with the City because it did not coordinate with Plaintiff's IT vendors when it conducted its search. (Doc. 77, ¶¶ 2-3).

On June 12, 2018, Plaintiff filed a Motion to Amend Complaint, (Doc. 70), to add the City of Mobile and the University of South Alabama Medical Center as defendants and assert claims against them, which was granted by the Court, (Doc. 71). On July 3, 2018, the University of South Alabama Medical Center was served, (Doc. 80), and the City of Mobile was served on July 6, 2018, (Doc. 81). Based on the posture of the case, and as the undersigned discussed with the parties at the hearing, Plaintiff's remaining discovery requests can be addressed with the City of Mobile since it is, now, a defendant in this matter. Accordingly, Plaintiff's motion to compel, (Doc. 69), is hereby **DENIED** as **MOOT IN PART** and **UNNECESSARY IN PART**. Additionally, the parties are **ORDERED** to file a report, pursuant to Rule 26(f), Federal Rules of Civil Procedure, and the Court's Preliminary Scheduling Order, (Doc. 14), on or before **August 17, 2018**.

DONE and **ORDERED** this the 23rd day of July 2018.

s/WILLIAM E. CASSADY
UNITED STATES MAGISTRATE JUDGE