

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

HUMAN RIGHTS DEFENSE CENTER

PLAINTIFF

v.

Case No. 1:17-cv-1064

UNION COUNTY, ARKANSAS, et al.

DEFENDANTS

**ORDER**

Before the Court is Plaintiff's Motion to Strike. ECF No. 69. Defendants have not responded. The Court finds the matter ripe for consideration.

In the instant motion, Plaintiff seeks to have the Court strike Defendants' Pre-Trial Disclosure (ECF No. 64) because of failures to comply with the Local Rules and the Federal Rules of Civil Procedure. Plaintiffs argue that Defendants' disclosure specifically fails to comply with Local Rule 26.2(11) and Federal Rule of Civil Procedure 26(a)(3)(A)(iii)'s requirement to list and detail the exhibits a party anticipates using at trial. Plaintiff notes that Defendant's disclosure simply states that the exhibits they may offer includes "Anything produced, attached, or identified in the disclosures, depositions, pleadings, or discovery responses of the parties." Plaintiffs further argue that the Defendants' disclosure violates Local Rule 26.2(12) and Federal Rule of Civil Procedure 26(a)(3)(A)(i)'s requirement to provide the name, address, and telephone number of each witness they expect to call at trial. Plaintiff notes that Defendants' disclosure only lists one witness by name, vaguely references the other witnesses they plan to call, and includes no contact information for any witnesses. Plaintiff contends that this clear failure to adhere to the pre-trial disclosure requirements should lead the Court to strike Defendants' pre-trial disclosure and preclude Defendants from using any unnamed exhibits or witnesses pursuant to Federal Rule of Civil Procedure 37(c).

Upon review, the Court finds that good cause for the instant motion has been shown. Defendants have failed to adhere to the pre-trial disclosure requirements of Local Rule 26.2 and Federal Rule of Civil Procedure 26(a) that they list with specificity the exhibits and witnesses they plan to utilize at trial. However, the Court will permit Defendants to re-submit their pre-trial disclosures in the time directed by the Court in this order. Accordingly, Plaintiffs' Motion to Strike (ECF No. 69) is hereby **GRANTED IN PART** and **DENIED IN PART**. The Court hereby **STRIKES** Defendants' Pre-Trial Disclosure (ECF No. 64). Defendants are directed that a new pre-trial disclosure sheet that complies with the Local Rules and the Federal Rules of Civil Procedure must be submitted within ten (10) days of the date of this order. Plaintiff shall have seven (7) days from the date of Defendants' new disclosure to renew any objections.

**IT IS SO ORDERED**, this 30th day of January, 2023.

/s/ Susan O. Hickey  
Susan O. Hickey  
Chief United States District Judge