

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

TAMMY CHRISTINE HANSON

PLAINTIFF

v.

Civil No. 10-3022

BAXTER COUNTY, ARKANSAS;
SHERIFF JOHN MONTGOMERY;
CHIEF DEPUTY JEFF LEWIS;
LIEUTENANT RANDALL WEAVER;
SARGENT EDWARD ELLIOTT;
CORPORAL LINDA HENRYK;
DR. JOSEPH TULLIS; DEPUTY WILTON
“CHIP” NORRIS; JAILER HELEN FENWICK;
JAILER TONY BECK; JAILER WILLIAM
ALTRAZAN; JAILER HEATHER EASTER;
JAILER GARNETT McMAHON; JAILER
SHERRY LEWIS; JAILER PATRICK GAULT;
JAILER JAMES TUDOR; JAILER SONYA OLNAY;
and JAILER TONY BECK

DEFENDANTS

ORDER

Plaintiff has filed her response (Doc. 81) to the Court’s scheduling order. She asks the Court to issue writs or subpoenas for the following people: Four, as yet unidentified, expert medical and nutritional witnesses; Sheriff John Montgomery; Dr. Joe Tullis; Deputy Wilton “Chip” Norris; Lieutenant Randall Weaver; Chief Deputy Jeff Lewis; Former Corporal Linda Henryk (address unknown); Jailer Patrick Gault; Jailer Robert Recktenwald; Former Jailer Heather Garrison (address unknown); Jailer Sherry Lewis; Jailer James Tudor; Attorney Llewellyn Marczuk; Attorney John Russo; Christine Doneski (Plaintiff’s Mother); Arkansas Department of Correction (ADC) inmate Tracy Standridge; ADC inmate Teresa Krug; ADC inmate Jason Marshall; Tim Lively (address unknown); Lisa D. Pederson (address unknown); Michael Tolliver (address unknown); Baxter County Detention Center (BCDC) inmate Zachariah Zelk; BCDC inmate Ashley Tharp; County Judge Joe Bodenhamer; Member of the Baxter

County Quorum Court Ed Toscana; and Member of the Baxter County Quorum Court Steve Litty.

All named Defendants are required to be at the hearing. It is therefore unnecessary for the Court to issue subpoenas for: (1) Sheriff Montgomery; (2) Dr. Joe Tullis; (3) Deputy Wilton “Chip” Norris; and (4) Lieutenant Randall Weaver.

Defendants are asked to produce, without the necessity of the Court issuing subpoenas for, the following individuals: (1) Chief Deputy Jeff Lewis; (2) Jailer Sherry Lewis; and (3) Jailer James Tudor. If Defendants cannot produce any of these individuals, they should so advise the Court by **February 1, 2012**. Defendants are also directed to provide to the Court a current address and telephone number for each individual they cannot produce.

The Court declines to subpoena or ask Defendants to produce: (1) Jailer Patrick Gault; and (2) Jailer Robert Recktenwald. By the summary of the testimony contained in Plaintiff’s request (Doc. 81), it appears the testimony of these jailers would duplicate that of the other witnesses listed above.

The Court will issue a subpoena for Former Jailer Linda Henryk. It is believed her address and phone number are: 321 Highway 201 223D, Mountain Home, Arkansas, 870-425-5198. The Court will also issue a subpoena for Former Jailer Heather M. Garrison. It is believed her address is P.O. Box 603, Pangburn, AR 72121-0603.

The Court declines to issue a subpoena for Christine Doneski, the Plaintiff’s Mother. Instead, Plaintiff should inform her Mother of the date and time of the hearing and advise her she can appear voluntarily to give testimony on Plaintiff’s behalf.

The Court will issue writs for the following: (1) Tracy M. Standridge, ADC #114984, Arkansas Department of Correction, Grimes Unit, 300 Corrections Drive, Newport, AR 72112; (2) Teresa Krug, ADC #752822, Arkansas Department of Correction, McPherson Unit, 302 Corrections Drive, Newport, AR 72112; (3) Zachariah Zelk, Baxter County Detention Center,

904 Highway 62 West, Mountain Home, AR 72653; and (4) Ashley Tharp, Baxter County Detention Center, 904 Highway 62 West, Mountain Home, AR 72653.

The Court declines to issue subpoenas or writs for the following: Jason Marshall; Tim Lively; Lisa D. Pederson; and Michael Tolliver. By the summary of the testimony contained in Plaintiff's request (Doc. 81), it appears the testimony of these former Baxter County Detention Center inmates would duplicate that of the other witnesses listed above.

Plaintiff has asked the Court to issue subpoenas for her two former attorneys, Llewellyn Marczuk and John Russo. The Court will issue a subpoena for Llewellyn Marczuk, Baxter County Public Defender's Office, 301 East 6th Street, Suite 182, Mountain Home, AR. The Court declines to subpoena John Russo. Mr. Russo's testimony would be duplicative of that of Mr. Marczuk.

Finally, the Plaintiff asks the Court to issue subpoenas for the County Judge and two Quorum Court members. The Court will issue a subpoena for the Baxter County Judge, Joe Bodenhamer, 1 East 7th Street, Mountain Home AR 72653. The Court declines to issue subpoenas for the Quorum Court members, Ed Toscano and Steve Litty. Any testimony they would offer would be duplicative of that offered by the County Judge.

IT IS SO ORDERED this 23rd day of January 2012.

/s/ J. Marschewski
HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE