

1 Defendants note that the General Chronos did not form part of the official incident report. As
2 such, a search for the official incident report would not reveal the General Chronos.

3 Regarding Defendant Umphenour’s statement in his interrogatory, Plaintiff refers to
4 Umphenour’s response that Plaintiff was attempting to buy an inmate manufactured weapon, that
5 he was assaulted when trying to do so and that the sergeant noticed that Plaintiff may have been
6 involved in a fight. Defendants note that they are not relying on this statement in support of their
7 motion for summary judgment. Further, this evidence is already contained in the authenticated
8 incident report submitted in support of Defendants’ motion. (Umphenour Decl., Ex. 1).
9 Plaintiff’s motion should therefore be denied as to Umphenour’s statements.

10 Finally, Plaintiff argues that Officers Alvarez and Szalai’s sworn declarations should
11 be stricken from future proceedings, because they reference “the hearsay chronos.” Defendants
12 correctly argue that they are permitted to testify about facts which they witnessed on the day of
13 the incident. Defendants can also testify about preparing a General Chrono. Plaintiff’s argument
14 has no merit.

15 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s Motion to Strike is denied in its
16 entirety.

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18 IT IS SO ORDERED.

19 Dated: August 13, 2015

20 /s/ Gary S. Austin
21 UNITED STATES MAGISTRATE JUDGE

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