

02-61801-CV-PCH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

John Huff
Magistrate White


JOSEPH G. BICKNELL,

PLAINTIFF,

vs.

HOLLYWOOD POLICE CHIEF,
ET AL.,

DEFENDANTS.

FILED BY 
03 AUG 11 AM 9:26
CLARENCE HADDOX
CLERK U.S. DIST. CT.
S.D. OF FL - MIAMI
D.C.

NOTICE OF DISCOVERY FROM
THIRD PARTY
CITY OF HOLLYWOOD POLICE DEPARTMENT

THE PLAINTIFF, JOSEPH G. BICKNELL, PURSUANT TO
RULE 5, FEDERAL RULE OF CIVIL PROCEDURE, HEREBY
GIVES NOTICE TO THE DEFENDANTS OF THE PLAINTIFF'S
REQUEST FOR THE ISSUANCE OF A SUBPOENA FOR
THE PRODUCTION OF DOCUMENTS TO THE CITY OF HOLLYWOOD
POLICE DEPARTMENT. SEEKING THE DOCUMENTS AND THINGS
DESCRIBED ON EXHIBIT "A" ATTACHED HERETO.

6/1
WC

Joseph Bicknell

JOSEPH G. BICKNELL

DOC# 972640

LAWTEY CORRECTIONAL INSTITUTION

7819 N.W. 228th STREET

RAIFORD, FLORIDA

32026-2110

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING WAS SENT BY U.S. MAIL TO BRUCE W. JOLLY, PURDY, JOLLY & GIGLIFFREDA, P.A., 1322 S.E. THIRD AVENUE, FORT LAUDERDALE, FLORIDA 33316, THIS 5 DAY OF AUGUST, 2003.

Joseph Bicknell

JOSEPH G. BICKNELL

Issued by the
UNITED STATES DISTRICT COURT
SOUTHERN
DISTRICT OF
FLORIDA

JOSEPH G. BICKNELL,
PLAINTIFF,
V.

SUBPOENA IN A CIVIL CASE

HOLLYWOOD POLICE CHIEF,
ET AL.

CASE NUMBER: **02-61801-CIV-HUCK/
SORRENTINO**

DEFENDANTS.

TO: **CITY OF HOLLYWOOD POLICE DEPARTMENT TELEPHONE: (305) 967-4300**
ATTENTION: LEGAL ADVISOR
3250 HOLLYWOOD BOULEVARD
HOLLYWOOD, FLORIDA 33021

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

SEE EXHIBIT "A" ATTACHED HERETO.

PLACE	DATE AND TIME
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

EXHIBIT "A"

TO

SUBPOENA TO CITY OF HOLLYWOOD POLICE
DEPARTMENT

TO: THE CITY OF HOLLYWOOD POLICE DEPARTMENT
ATTENTION: LEGAL ADVISOR
3250 HOLLYWOOD BOULEVARD
HOLLYWOOD, FLORIDA 33021

YOU ARE COMMANDED TO PRODUCE AND PERMIT INSPECTION
AND COPYING OF THE FOLLOWING DOCUMENTS AND TO
PROVIDE A COPY THEREOF TO THE PLAINTIFF, JOSEPH
G. BICKNELL, DOC # 972640, LAWTEY CORRECTIONAL
INSTITUTION, 7819 N.W. 228th STREET, RAIFORD, FLORIDA
32026-2110.

DEFINITIONS

THE FOLLOWING DEFINITIONS APPLY TO THIS REQUEST:

- (i) "DOCUMENT" OR "DOCUMENTS" MEANS ANY WRITTEN,
RECORDED, TAPED, TYPED, OR PRODUCED BY OR STORED
ON COMPUTER OR WORD PROCESSOR, WHETHER PRODUCED,
REPRODUCED, FILED OR STORED ON PAPER, PHOTOGRAPHS,
FILMS, CASSETTES OR/AND CHARTS AND SHALL BE
IN ITS ORIGINAL FORM OR A COPY OF THE ORIGINAL
FORM. THE TERMS "DOCUMENT" OR "DOCUMENTS" SHALL
ALSO INCLUDE ANY AND ALL REPORTS, OFFICIAL OR
OTHERWISE, HANDWRITTEN NOTES, ANY OTHER COMMUNICATIONS,

(ii) "DEFENDANT" OR "DEFENDANTS" MEANS ONE OR MORE OF THE INDIVIDUAL NAMED DEFENDANTS IN THIS LAWSUIT:

NAME	BADGE NUMBER
BRIAN BARTLETT	2766
ANTHONY ADAMS	2672
ROY DEAN	1680
JULIO GONZALEZ	1957
DARRY LEVY	2523
SERGIO LOPEZ	2649
SCOTT PARDON	1683
NORRIS REDDING	2346
VICTOR TETTER	2592
KIRK SHAW	1826

WHO WERE OFFICERS OR EMPLOYEES OF THE CITY OF HOLLYWOOD POLICE DEPARTMENT ON OCTOBER 11, 2001.

(iii) THE PHRASES "RELATE TO" OR "RELATING TO" SHALL BE FAIRLY CONSTRUED TO MEAN AND INCLUDE "REFER TO", "SUMMARIZE", "DESCRIBE", "POINT OUT", "COMMENT ON", OR "REMARK".

(iv) THE WORDS "AND" AND "OR" SHALL BE INTERPRETED IN SUCH A MANNER AS TO INCLUDE WITHIN THE SCOPE OF THE SPECIFICATION AND RESPONSE THAT WHICH MIGHT OTHERWISE BE INTERPRETED AS BEING OUTSIDE OF ITS SCOPE.

(v) THE TERM "EACH" SHALL BE INTERPRETED TO INCLUDE THE WORD "EVERY" AND THE WORD "EVERY" SHALL BE INTERPRETED TO INCLUDE THE WORD "EACH".

- (vi) THE WORD "ANY" SHALL BE INTERPRETED TO INCLUDE THE WORD "ALL" AND THE WORD "ALL" SHALL BE INTERPRETED TO INCLUDE THE WORD "ANY".
- (vii) THE PHRASE "K-9 UNITS" SHALL MEAN ALL DOGS, ALL DOG HANDLERS, AND ALL DOG TRAINERS WHO WERE OR ARE NOW EMPLOYED OR UTILIZED BY THE CITY OF HOLLYWOOD POLICE DEPARTMENT.
- (viii) THE PHRASE "K-9 STORM" SHALL MEAN THE POLICE SERVICE DOG KNOWN BY THAT PHRASE THAT WAS INVOLVED IN THE ATTACK ON THE PLAINTIFF ON OCTOBER 11, 2001.
- (ix) THE LETTERS "C.H.P.D." SHALL MEAN THE CITY OF HOLLYWOOD POLICE DEPARTMENT, THE RECEIPT OF THIS SUBPOENA.

INSTRUCTIONS

- A. UNLESS OTHERWISE SPECIFIED, DOCUMENTS REQUESTED HEREIN SHALL INCLUDE ALL DOCUMENTS THAT WERE DATED, WRITTEN, REVISED, MODIFIED, AMENDED, CHANGED, POSTED, SENT, MAILED, OR RECEIVED BETWEEN JANUARY 1, 1993 AND THE DATE OF THE RESPONSE TO THIS SUBPOENA.
- B. PRODUCE EACH AND EVERY DOCUMENT IN ITS ORIGINAL FILE FOLDER, COVER, ENVELOPE, OR JACKET OR WITH

A PHOTOGRAPH OF SUCH FOLDER, COVER, ENVELOPE, OR JACKET AND ANY WRITING, TYPING OR NOTATION THEREON. IF YOU ARE UNABLE TO COMPLY WITH THIS REQUEST, PLEASE EXPLAIN THE REASON IN WRITING.

- C. SHOULD YOU BE UNABLE TO PRODUCE ANY OF THE DOCUMENTS SUBJECT TO THIS SUBPOENA BECAUSE SUCH DOCUMENTS ARE NO LONGER IN YOUR CUSTODY, POSSESSION OR CONTROL, PLEASE SPECIFICALLY IDENTIFY ANY SUCH DOCUMENTS AND STATE THE REASON OR REASONS YOU NO LONGER HAVE CUSTODY, CONTROL OR POSSESSION OF THE DOCUMENTS.
- D. SHOULD YOU BE UNABLE PRODUCE ANY OF THE DOCUMENTS SUBJECT TO THIS SUBPOENA BECAUSE ANY SUCH DOCUMENTS HAVE BEEN TRANSFERRED OR DELIVERED TO ANY THIRD PARTY OR TO ANY OTHER AGENCY, INSTRUMENTALITY OR DEPARTMENT OF THE CITY OF HOLLYWOOD, FLORIDA, PLEASE SPECIFICALLY IDENTIFY THE DOCUMENTS AND THE PERSON OR PARTY TO WHOM THEY WERE DELIVERED OR TRANSFERRED.
- E. IF YOU INTEND TO ASSERT THE ATTORNEY/CLIENT PRIVILEGE, THE WORK PRODUCT PRIVILEGE, OR ANY OTHER PRIVILEGE AS TO ANY OF THE DOCUMENTS

SUBJECT TO THIS SUBPOENA, THEN AS TO EACH DOCUMENT AS TO WHETHER ANY SUCH PRIVILEGE IS ASSERTED, PROVIDE AN IDENTIFICATION OF EACH SUCH DOCUMENT, INCLUDING THE NAME OF THE DOCUMENT, THE DATE OF THE DOCUMENT, THE TYPE OF DOCUMENT, THE AUTHOR OF THE DOCUMENT, THE PERSON OR PARTY TO WHOM THE DOCUMENT IS ADDRESSED OR SENT, THE IDENTITY OF ALL PERSONS WHO SAW THE DOCUMENT AND A SUMMARY OF THE SUBJECT MATTER OF THE DOCUMENT, ALL IN SUFFICIENT DETAIL TO ALLOW THE COURT TO DETERMINE THE VALIDITY OF THE ASSERTION OF THE PRIVILEGE, IF A MOTION TO COMPEL IS FILED.

F. EACH PARAGRAPH IN THIS SUBPOENA SHOULD BE INTERPRETED INDEPENDENTLY AND NOT IN RELATION TO ANY OTHER PARAGRAPH FOR THE PURPOSE OF LIMITING THE SCOPE OF THIS SUBPOENA.

DOCUMENTS REQUESTED

1. A COPY OF EACH AND EVERY DOCUMENT AND PHOTOGRAPH RELATING TO THE APPREHENSION, ARREST, AND BOOKING OF THE PLAINTIFF, JOSEPH G. BICKNELL ON OCTOBER 11, 2001 AND/OR OCTOBER 12, 2002 BY THE C. H. P. D. OR ANY OF THE DEFENDANTS.
2. A COPY OF ALL DOCUMENTS THAT WILL ELUCIDATE THE C. H. P. D. RULES, POLICIES, AND PROCEDURES FOR THE USE OF FORCE OR NOT.
3. A COPY OF THE C. H. P. D. K-9 UNITS OR POLICE SERVICE DOG TRAINING MANUAL.
4. A COPY OF THE C. H. P. D. OFFICER'S TRAINING MANUAL.
5. ANY AND ALL DOCUMENTS THAT WILL ELUCIDATE OR RELATE TO IF THE C. H. P. D. USES ITS K-9 UNITS AS USE OF FORCE CONTINUUM OR NOT.
6. ANY AND ALL DOCUMENTS THAT WILL ELUCIDATE OR RELATE TO IF THE C. H. P. D. USES ITS K-9 UNITS AS AN ALTERNATIVE TO DEADLY FORCE.
7. A COPY OF ALL DOCUMENTS THAT MAY SHOW THE C. H. P. D. K-9 UNITS RATIO OF DOG BITES IN

APPREHENSIONS.

8. A COPY OF ALL DOCUMENTED COMPLAINTS FILED AGAINST THE C.H.P.D. K-9 UNITS FROM JANUARY 1, 1994 TO DECEMBER 31, 2003.
9. A COPY OF EACH AND EVERY RECORD OF A BITE INJURY THAT WERE THE RESULT OR RESULTS OF A C.H.P.D. K-9 UNITS FROM JANUARY 1, 1994 TO DECEMBER 31, 2003.
10. A COPY OF ANY AND ALL COMPLAINTS THAT HAVE BEEN FILED AGAINST ANY OF THE DEFENDANTS AS EMPLOYEES OR OFFICERS OF C.H.P.D.
11. A COPY OF ANY AND ALL COMPLAINTS THAT HAVE BEEN FILED AGAINST K-9 STORM.
12. A COMPLETE COPY OF RECORD OF KIRK SHAW WORK HISTORY FROM HIS FIRST DAY OF EMPLOYMENT BY C.H.P.D.
13. ANY AND ALL DOCUMENTS THAT WILL VERIFY WHEN AND WHERE KIRK SHAW AND K-9 STORM ENGAGED IN AND COMPLETED A 400 HOUR TRAINING COURSE OR PROGRAM.

14. A COPY OF ANY AND ALL COMPLAINTS THAT HAVE BEEN FILED AGAINST DEFENDANT KIRK SHAW.
15. A COMPLETE COPY OF THE WORK HISTORY OF KIRK SHAW FROM THE DATE OF HIS FIRST EMPLOYMENT BY C. H. P. D.
16. ANY AND ALL DOCUMENTS THAT WILL VERIFY WHEN AND WHERE KIRK SHAW AND K-9 STORM ENGAGED IN AND COMPLETED A 400-HOUR TRAINING PROGRAM.
17. A COPY OF ALL DOCUMENTS OF K-9 STORM'S ACCURACY IN HIS FIELDS OF TRACKING SUSPECTS.
18. A COPY OF ALL AWARDS, HONORS, PLACE IN CLASS, OR MEDALS RECEIVED BY EITHER OR BOTH OF KIRK SHAW AND K-9 STORM, INDIVIDUALLY OR AS A TEAM.
19. A LIST OF THE NAMES OF ALL C. H. P. D K-9 TRAINERS FROM JANUARY 1, 1994 TO DECEMBER 31, 2002.
20. A LIST OF THE TRAINER OR TRAINERS WHO TRAINED K-9 STORM.
21. A COPY OF THE SERVICE RECORD AND EMPLOYMENT HISTORY OF THE TRAINER OR TRAINERS WHO

TRAINED K-9 STORM.

22. A COPY OF ANY AND ALL COMPLAINTS THAT HAVE BEEN FILED AGAINST ANY K-9 UNITS OF C.H.P.D. THAT WERE TRAINED BY THE SAME TRAINER OR TRAINERS WHO TRAINED K-9 STORM.
23. A COMPLETE COPY OF ALL RECORDS RELATING TO K-9 STORM, TO INCLUDE ALL MEDICAL RECORDS, SHOTS, REASONS FOR SHOTS, EXAMS, INJURIES, HEARING, SIGHT, SICKNESS, DENTAL, AND HISTORY OF TREATMENT.
24. A COPY OF ALL DOCUMENTS THAT MAY EVIDENCE THE TYPE OF INSURANCE COVERAGE AND LIABILITY INSURANCE COVERAGE FOR EMPLOYEES OF C.H.P.D.
25. A COPY OF ANY VIDEO AND/OR AUDIO TAPE MADE ON OCTOBER 11, 2001 IN CONNECTION WITH THE APPREHENSION AND ARREST OF THE PLAINTIFF, JOSEPH G. BICKNELL.