

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PENNY BENTON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 1:10-cv-918-DML-LJM
)	
HAMILTON EAST PUBLIC LIBRARY,)	
)	
Defendant.)	

DEFENDANT’S FINAL WITNESS & EXHIBIT LIST

COMES NOW the Defendant, Hamilton East Public Library (“Library”), by counsel, and submits the following list of witnesses who may be called at the trial of this matter:

WITNESS LIST

1. Plaintiff.
2. Plaintiff’s treating physicians and/or therapists/mental health professionals.
3. David L. Cooper.
4. Paris Head.
5. Rex Miller.
6. Mary K. Patterson.
7. Mary Lou Madison.
8. Gail Winsmore.
9. Teresa Ayres.
10. Designee from Hamilton East Public Library Board of Trustees.

11. Linda Shaw.
12. Laura Rippe.
13. Deborah Vespo.
14. Any witnesses listed or identified in the discovery process, including, but not limited to, the Answers to Interrogatories, Responses to Requests for Production or depositions which may be propounded upon Plaintiff.
15. Any witness who may become necessary to establish the authenticity of any document offered by the parties.
16. Any witness who may be deposed in this matter.
17. Any and all witnesses who may be discovered between the date of this witness list and the trial of this matter who will be promptly disclosed to the Court and opposing counsel.
18. Any witness necessary for rebuttal. .
19. Any witness listed on Plaintiff's Witness Lists, initial disclosures, including any supplements or amendments thereto.

EXHIBIT LIST

COMES NOW the Defendant, Hamilton East Public Library ("Library"), by counsel, and submits the following list of exhibits which may be utilized at the trial of this matter:

1. Any/all reports of any experts.
2. The parties' discovery responses, including but not limited to all documents produced by Defendant to Plaintiff on December 22, 2010, in response to Plaintiff's First Request for Production of Documents..

3. The parties' depositions.
4. Any and all exhibits listed on the Plaintiff's Exhibit List.
5. Personnel records of Plaintiff.
6. Any and all documents which relate to the Defendant's employment policies and procedures.
7. Any and all documents which relate to Plaintiff's employment with Defendant, including but not limited to the following:
 - a. Plaintiff's application of employment, dated November 30, 2006
 - b. Letter to Plaintiff from Defendant's Assistant Director, dated December 11, 2006
 - c. Plaintiff's initial employee schedule, start date December 26, 2009
 - d. Plaintiff's "Employee Record"
 - e. Incident report, dated April 17, 2007
 - f. Performance Review, dated May 1, 2007
 - g. Hand-written note, dated July 31, 2007
 - h. Written Warning, dated September 4, 2007
 - i. Written Warning, dated October 1, 2007
 - j. Performance Review, dated November 8, 2007
 - k. Written Warning, dated March 13, 2008
 - l. Letter to Plaintiff from Defendant's Circulation Supervisor, dated April 24, 2008, with enclosed Performance Improvement Plan

- m. Letter to Plaintiff from Defendant's Circulation Supervisor, dated May 1, 2008, with enclosed Performance Improvement Plan and hand-written indications thereon
 - n. Memo/script dated March 31, 2010 concerning termination
 - o. Termination of Employment letter, dated March 31, 2010
 - p. Written Warning, dated February 24, 2010
 - q. Memo/narrative dated February 24, 2010 concerning meeting with Plaintiff
 - r. Employee acknowledgment of Circulation Department Handbook, signed June 25, 2009
 - s. Fishers Circulation Department newsletter, dated February 5, 2010
8. Any and all exhibits needed for rebuttal or impeachment purposes.
 9. Demonstrative exhibits, charts, and/or summaries.
 10. Any documents produced by any party or non-party to this action.
 11. Any and all exhibits which may be discovered between the date of this exhibit list and the trial of this matter which will be promptly disclosed to the Court and to opposing counsel.

Defendant reserves the right to supplement or amend these lists at any time prior to trial.

Respectfully Submitted,

s/Alexander P. Pinegar
Alexander P. Pinegar, 26543-49
CHURCH, CHURCH, HITTLE & ANTRIM
Attorney for Defendant

CHURCH, CHURCH, HITTLE & ANTRIM
938 Conner Street
P.O. Box 10
Noblesville, IN 46061

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following by mailing via United States First Class mail, postage pre-paid, this 20th day of October, 2011, addressed as follows, and also by electronically filing with the U.S. District Court, Southern District of Indiana:

Patrick H. Mulvany
Patrick Mulvany Law Office
2506 Willowbrook Parkway, Ste. 201
Indianapolis, IN 46205-1542

s/Alexander P. Pinegar
Alexander P. Pinegar, #26543-49

CHURCH, CHURCH, HITTLE & ANTRIM
938 Conner Street
Noblesville, IN 46060
Tel: (317)773-2190
Fax: (317)773-5320