

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**KAREN ROBERTS MIXON, ET AL.,
Plaintiffs**

CIVIL ACTION

VERSUS

NO. 20-1216

**JAMES POHLMANN, ET AL.,
Defendants**

SECTION: "E" (1)

ORDER AND REASONS

Before the Court are Defendant's objections to exhibits offered by both Karen Roberts Mixon and Lindsey Elaina Mixon (collectively, "Plaintiffs") for the jury trial set to begin in this matter on August 1, 2022.¹ Plaintiffs filed an opposition.²

LAW AND ANALYSIS

I. Exhibit 2

Defendant objects to Plaintiffs' introducing CorrectHealth Jefferson's policies and procedures, including basic mental health policies. Plaintiffs have since confirmed they will have the CorrectHealth St. Bernard policies prior to trial and that those will be substituted as Exhibit 2. As such, Plaintiffs have withdrawn the CorrectHealth Jefferson policies and procedures as an exhibit. The objection is withdrawn.

II. Exhibit 11

Defendant objects to Plaintiffs' introducing Department of Justice Death in Custody 2017 State Prison Inmate Death Report for Jamin Muscarello. The document does not identify who filled it out, it is not signed or dated, and it contains contradictory

¹ R. Doc. 120.

² R. Doc. 130.

information. The objection is granted. Any relevance is outweighed by the risk of undue prejudice and confusion of the jury.

Defendant also objects to Plaintiffs' use of the form relating to the subsequent death of Marvin Walker. This objection is sustained.

III. Exhibit 12

Defendant objects to Plaintiffs' introducing Social Security Administration documents for Edward and Karen Mixon. The objection is sustained. Karen Mixon will be allowed to testify as to disability payments received. Plaintiffs' counsel will be allowed to show the document to Karen Mixon to refresh her memory.

IV. Exhibit 13

Defendant objects to Plaintiffs' introducing photographs of Edward Mixon and of his family. The objection is sustained except as to the pages of Exhibit 13 BATES numbered 678, 680, 683, 686, 687, 688, 689, and 691.

V. Exhibit 14

Defendant objects to Plaintiffs' introducing pleadings related to alleged spoliation of evidence by Defendant. The Court defers ruling on this objection.

VI. Exhibit 16

Defendant objects to Plaintiffs' introducing audio and video recordings of the interview of Edward McNeely conducted by St. Bernard Parish Sheriff's Office. The Court defers ruling on this objection until a determination is made of whether McNeely is unavailable.

VII. Exhibit 21

Defendant objects to Plaintiffs' introducing Exhibit 21, a subpoena to CorrectHealth for CorrectHealth policies and procedures in effect in 2019. Counsel for

Plaintiffs represented during the parties' July 27, 2022 Status Conference that CorrectHealth will voluntarily produce the documents subject to the subpoena. Accordingly, the subpoena has been withdrawn and the healthcare documents will be substituted as exhibit 21. The objection is withdrawn.

New Orleans, Louisiana, this 29th day of July, 2022.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE