

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS D'ANGELO,

Plaintiff,

v.

PAUL PARENT, CLINTON TOWNSHIP,
a municipal entity, **NICHOLAS DYKAS,**
JASON FIGURSKI and **KEITH WATSON,**
in their official and individual capacities,
jointly and severally,

Defendants.

CASE No. 2:10-cv-12195
HONORABLE LAWRENCE P. ZATKOFF
MAGISTRATE MONA E. MAJZOUB

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THOMAS E. KUHN (P37924)
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LIST OF UNRESOLVED ISSUES

Plaintiffs served discovery on Defendants in June. Only after this motion was filed did Defendants provide their unsigned answers to discovery.

Clinton Township objected to most of the discovery related to its custom, policy and practice, including:

Req. 5: Orders and training re. arrests, seizures and questioning of witnesses.

Defendant has agreed to produce these orders or policies regarding citizen complaints, use of force, and seizure/arrest policies subject to a protective order.

Defendants' Position: Subject to a protective order, Defendants will produce the orders and training re: arrests, seizures and questioning of witnesses.

Plaintiff's Position: A protective order should immediately be presented, and a specific date set for the production of these records. **Req. 6:** Complaints, discipline and internal investigations into arrests, seizures and questioning.

Defendants' Position: Defendants object to this request as to relevance but in the interest of discovery Defendants will produce the requested documents subject to a protective order.

Plaintiff's Position: These records are relevant to Plaintiff's custom, policy and practice claims against the Township. (See, infra.) Further, Plaintiffs' counsel is more than willing to review the records at their existing location as they have in many police misconduct cases. Plaintiff requests a specific date set for the production of these records. **Req. 16:** Defendant officers personnel files.

Defendants' Position: Defendants will produce the personnel records subject to a protective order. It is Defendants' position that no personal information such as home address, telephone numbers, social security numbers, etc. will be provided.

Plaintiff's Position: These records are relevant to Plaintiff's custom, policy and practice claims against the County. (See, infra.) Plaintiff has no problem with an in camera review should the Court deem that necessary. Plaintiff requests a specific date set for the production of these records **Req. 12:** Complaints, and investigations related to complaints lodged against defendant officers.

Defendants' Position: Subject to a protective order the Defendants will provide copies of Complaints, investigations related to complaints lodged against Defendant officers.

Plaintiff's Position: These records are relevant to Plaintiff's custom, policy and practice claims against the Township. (See, infra.) Further, Plaintiffs' counsel is more than willing to review the records at their existing location as they have in many police misconduct cases. Plaintiff requests a specific date set for the production of these records **Req. 13:** Investigations of any individual Defendant officer:

Defendants' Position: It is Defendant's position that this request is the same as Req. No. 12.

Plaintiff's Position: These records are relevant to Plaintiff's custom, policy and practice claims against the Township. (See, infra.) Further, Plaintiffs' counsel is more than willing to review the records at their existing location as they have in many police misconduct cases. Plaintiff requests a specific date set for the production of these records. **Req. 18:** Lawsuits alleging violation of 14th and/or 4th Amendments

Defendants' Position: Lawsuits alleging violation of 14th and/or 4th Amendment claims are available through public records. However, in the interest of discovery, Defendants will provide a list of cases, if any, for the subject officers.

Plaintiff's Position: These records are relevant to Plaintiff's custom, policy and practice claims against the County. (See, infra.) Further, Plaintiffs' counsel is more than willing to review the records at their existing location to avoid any burden to Defendant as they have in many police misconduct cases. Plaintiff requests a specific date set for the production of these records. **Req. 19:** Records related to insurance indemnity and assumption of liability

Defendants' Position: These Defendants object to the production of records related to insurance indemnity and assumption of liability. However, in the interest of discovery, Defendants will provide a copy of the insurance policy subject to a protective order.

Plaintiff's Position: Plaintiff has a right to this information, and it will help further settlement of this case. Plaintiff requests a specific date set for the production of these records.

Defendants Position: Defendant will produce above documents once the necessary protective order is agreed and entered.

/s/Thomas E. Kuhn
Thomas E. Kuhn (P37924)
Amos E. Williams (P39118)
Attorneys for Plaintiff

/s/Peter W. Peacock {w/consent}
Peter W. Peacock (P37201)
Attorney for Defendants

Dated: October 8, 2010

PROOF OF SERVICE

Leslie Johnson, being duly sworn, deposes and says that on October 8, 2010, she served a copy of the **List of Unresolved Issues and Proof of Service** upon all counsel of record by depositing same in the U.S. mail at Detroit, Michigan.

/s/Leslie Johnson
Leslie Johnson

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