

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAMARR MONSON,

Plaintiffs,

v.

JOAN GHOUGOIAN, *et al.*,

Defendants.

Case No. 18-10638

Honorable Laurie J. Michelson

Magistrate Judge David R. Grand

**ORDER GRANTING IN PART
PLAINTIFF'S MOTION TO COMPEL CERTAIN DISCOVERY [203]**

In this § 1983 civil rights lawsuit, Plaintiff Monson alleges that former members of the Detroit Police Department violated his constitutional rights in connection with his alleged wrongful conviction.

Pursuant to its case management guidelines, on June 3, 2021, the Court conducted a telephonic status conference with counsel for the parties and former party City of Detroit to try to resolve certain outstanding discovery issues. The parties appeared to reach agreement on several issues. But after being unable to finalize and execute these agreements, Plaintiff filed a motion to compel certain outstanding discovery, including certain fingerprint and related evidence, the inspection of the internal affairs file for Defendant Crockett, records of Plaintiff Monson's prior arrests, and scheduling certain depositions. (ECF 203.) The motion is fully briefed (ECF No. 206) and the parties were able to stipulate to resolve two issues in advance of the hearing (ECF No. 209). The Court heard oral argument on the outstanding discovery requests on July 1, 2021.

For the reasons stated more fully on the record during the Court's oral ruling, Plaintiff's Motion to Compel Inspections on a Date Certain; For Entry of a Protective Order Under Terms Previously Proposed by Plaintiff; to Compel Additional Discovery Requested by Plaintiff; to Impose Reasonable Sanctions; and to Hear This Motion on an Expedited Basis (ECF No. 203) is GRANTED IN PART AND DENIED IN PART as follows:

The Court granted the request to hear the motion on an expedited basis when it set the hearing on the motion. (ECF No. 204.)

As to Plaintiffs' other requests, IT IS ORDERED THAT the inspection of the fingerprint and palm-print related materials will take place on July 9, 2021 at 11:00 a.m. at the City of Detroit Public Safety Building at 1301 3rd Ave, Detroit, MI 48226. The City of Detroit is ORDERED to have present someone who can verify the chain of custody of the materials being inspected, authenticate the chain of custody log, and answer questions under oath regarding the chain of custody. In particular, the representative shall be in a position to explain how he/she is aware that the materials being inspected by Plaintiff's counsel and his expert are the same materials that formed the basis of the inspection by Mr. Scrutchin.

IT IS FURTHER ORDERED THAT pursuant to the representations made on the record at the hearing by counsel for the City of Detroit, the City shall produce, following a diligent search, any and all responsive records within its possession, custody, and control that pertain to Mr. Monson's six prior arrests from 1989 to 1994. Plaintiff agrees that he shall not take any action against the City for the disclosure of his requested LEIN records. If, pursuant to the City's document retention policy, the only existing records as

of today are the LEIN materials that have previously been produced (in redacted format), the City shall make that representation in a supplemental response to the subpoena and shall produce unredacted copies of the LEIN materials by **July 9, 2021**.

IT IS FURTHER ORDERED that the LEIN materials shall be produced with the designation ATTORNEY'S EYES ONLY for thirty days. After thirty days, counsel for Monson shall notify counsel for the Defendants in writing whether Monson intends to rely on any of the LEIN materials for the purpose of this litigation. In that case, the ATTORNEY'S EYES ONLY designation shall be lifted for the materials used in this litigation. Similarly, should Defendants wish to utilize any of these documents they shall meet and confer with Plaintiff's counsel about removing the ATTORNEY'S EYES ONLY designation.

IT IS FURTHER ORDERED THAT the parties shall confirm the date, time, and place for the deposition of Lieutenant Kelly when they convene for the inspection on July 9, 2021. Immediately after entry of this order, counsel for Monson shall provide proposed dates to counsel for Defendants. Counsel for Defendants shall confirm the final date, time, and place on July 9th.

The parties' requests for the Court to impose appropriate sanctions are DENIED.

SO ORDERED.

Dated: July 1, 2021

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE