

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

David St. Ann,

Plaintiff,

Case No. 15-11770

v.

Judith E. Levy

Todd McLean, Dean Polita, Sam
Morgan, Thomas Haynes, and
Kelly Buczek,

United States District Judge

Mag. Judge Anthony P. Patti

Defendants.

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**ORDER DENYING DEFENDANTS' MOTION TO EXCLUDE THE
TESTIMONY OF CHRISTIN HARRIS [98], DENYING
PLAINTIFF'S MOTION TO SUPPLEMENT WITNESSES AND
EXHIBITS [101], DENYING PLAINTIFF'S SECOND MOTION TO
SUPPLEMENT WITNESSES AND EXHIBITS [108], AND
GRANTING WITHOUT PREJUDICE PLAINTIFF'S
MOTION TO ASK QUESTIONS [107]**

Before the Court are: (1) Defendants' motion to exclude the testimony of Christin Harris (ECF No. 98); (2) Plaintiff's motion to supplement additional witnesses and exhibits (ECF No. 101); (3) Plaintiff's second motion to supplement witnesses and exhibits (ECF No. 108); and (4) Plaintiff's motion to ask questions (ECF No. 107).

At a telephonic conference held on November 4, 2019 with counsel for Defendants and Plaintiff present, the Court ruled as follows for the reasons set forth during the conference:

- Defendants' motion to exclude the testimony of Christin Harris is denied. (ECF No. 98.)
- Plaintiff's first motion and second motions to supplement his witness list and exhibit list are denied. (ECF Nos. 101, 108.)
- Plaintiff's motion to ask questions of Defendants is granted without prejudice. Defendants may raise objections at the time of trial, and the Court will rule on them as they arise. (ECF No. 107.)

Additionally, counsel for Defendants is ordered to do the following to assist in the efficiency of the trial:

1. Contact MDOC employee witness Adrien Foster and the State of Michigan ombudsman's office employee Christyn Harris and produce both for testimony on the afternoon of November 12, 2019. In the event either witness is unavailable, Defendants' counsel is to notify the Court immediately; and

2. Arrange for the remote testimony of both Plaintiff's witness Dion Armstead (who is in the custody of MDOC) and Defendant Dean Potila;

To the extent Plaintiff seeks to have Mr. Hollingsworth testify at trial, Plaintiff is responsible to take steps to ensure that he appears.

D. Conclusion

Accordingly, Defendants' motion to exclude the testimony of Christin Harris is DENIED (ECF No. 98), Plaintiff's motion and second motion to supplement his witness and exhibit list is DENIED (ECF Nos. 101 and 108), and Plaintiff's motion to ask questions is GRANTED and the Court will rule on any objections to the questions as they are being asked. (ECF No. 107).

IT IS SO ORDERED.

Dated: November 5, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 5, 2019.

s/William Barkholz

WILLIAM BARKHOLZ
Case Manager