

car dash camera. The Court also ordered the parties to indicate whether there were any other outstanding discovery disputes between the parties.

In their response (doc. 194), Defendants stated that on July 13, 2009, they hand-delivered three videotapes to Plaintiff, and that these were the only videotapes they possessed. Thus, they maintain, they complied with the Court's June 30, 2009 order.

In his response (doc. 198), Plaintiff conceded that Defendants had provided these three videotapes to him, but complained that two other videotapes, numbers 6410 and 41502, were not produced. These tapes were referenced in a report made by Officer Eric Stucker in which he requested the tapes be held and saved as part of the case investigation file.

To clarify the record, the Court subsequently ordered Defendants to file a brief stating whether videotapes numbered 6410 and 41502 had been produced to Plaintiff, and if not, explaining why Defendants failed to produce these tapes.

On March 9, 2012, Defendants filed their response (doc. 202). In it, they reported that videotapes 6410 and 41502 were released and destroyed on June 27, 2008, one year and one day after Plaintiff's arrest, as per KCPD videotape retention policy. Defendants state these videos were not held any longer because no letter or other notification had been sent to KCPD asking them to continue holding these videos, and they had not yet received notice of this lawsuit. Plaintiff has not filed any reply to Defendants' response, and his time to reply has expired.

The Court finds Defendants' response to be credible and holds Defendants did not violate the Court's June 30, 2009 discovery order.

DATE: June 4, 2012

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT