

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

KEVIN ALMY,)	
)	
)	
Plaintiff,)	2:12-cv-00129-HDM-VCF
)	
vs.)	
)	MINUTES OF COURT
D. DAVIS, et al.,)	
)	
Defendants.)	September 29, 2014
	/	

PROCEEDINGS: TELEPHONIC PRETRIAL CONFERENCE

PRESENT:
THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich Reporter: Kathryn French

At 9:28 a.m., the Court convenes.

Pro Se Plaintiff, Kevin Almy, is present telephonically.

Micheline Fairbank, Senior Deputy Attorney General, is present telephonically on behalf of Defendants Eric Francher, Pamela Feil, Brandt Halling, James Keener, Veronica Meza, Terry Nelsen, and Ruben Vidaurri.

The Court confirms this action is proceeding to trial on Monday, December 8, 2014 at 9:00 a.m., on the Plaintiff's four claims set forth in Counts 1, 3, 8 and 11.

The Court addresses the [126] proof of service of Defendant Brandon Davis which reflects service on 4/25/2013 in Sparks, Nevada. The Court and parties further confer regarding whether the fees have been paid. The Court requests further investigation into this matter by Ms. Fairbank.

The Court outlines the requests set forth in the Plaintiff's [327] Request for Subpoenas, [330] Motion for U.S. Marshals to Serve Subpoenas [329] Motion for Inmate Witnesses to Testify via Audio Visual Equipment, [364] Motion for Contempt of Court Sanctions, and [358] Second Request for Enlargement of Prison Copywork Limit.

With respect to [364] Motion, **IT IS ORDERED, the Plaintiff's [364] Motion for Contempt of Court Sanctions is DENIED.**

With respect to [327] Request, [330] Motion and [329] Motion, the Court recites the Plaintiff's Witnesses as follows:

1. Dwayne Clark;
2. Gary Winkler;
3. David Sheldon;
4. Steven A. Haug;
5. Larry Eugene Smith;
6. Tommy Terrant;
7. Tracy Summers;
8. Billy Atkins;
9. Donald Picard; and
10. Justin Riley.

The Court inquires whether all of the listed witnesses are currently incarcerated. The Court, the Plaintiff and Ms. Fairbank discuss the potential locations of the inmate witnesses, the availability of the video conferencing service to be utilized for inmate witnesses at trial on 12/8/2014 and 12/9/2014, and the Plaintiff's ability to correspond with the witness inmates pursuant to the Court's previous [340] Order dated July 22, 2014.

IT IS ORDERED, a Further Telephonic Pretrial Conference is set for Tuesday, October 28, 2014 at 9:00 a.m. before Judge Howard D. McKibben.

IT IS FURTHER ORDERED, within ten (10) days prior to the October 28, 2014 hearing, the Defendants shall prepare a list identifying the current locations of the aforementioned inmate witnesses and provide a copy of such list to the Plaintiff and the Court. Further, the Defendants shall determine whether such inmate witnesses will be available via video conferencing on the afternoon of Monday, December 8, 2014 and/or the morning of Tuesday, December 9, 2014.

IT IS FURTHER ORDERED, as to any witness(es) outside the prison system, the Plaintiff will be required to effectuate service on such witness(es) and pay any related costs.

The Court discusses the Plaintiff's [358] Second Request for Enlargement of Prison Copywork Limit and the specific requirement for the Plaintiff's complete set of trial materials to be transported with him. The Court directs the Attorney General's Office to ensure the Plaintiff will have all of his required paperwork and documents at the time of trial. Ms. Fairbank confirms her understanding.

The Plaintiff discusses his already obtained medical documents which he will require at the time of trial. Ms. Fairbank addresses the procedure for the preparation of the Plaintiff's trial exhibits by her office. The Plaintiff confirms he can arrange for his family to send the medical documents to Ms. Fairbank's office for preparation. **IT IS ORDERED, within ten (10) days prior to the October 28, 2014 hearing, the Defendants shall compile the Plaintiff's medical documents and provide to the Plaintiff for review.**

The Court addresses the issue regarding how many of the Plaintiff's witnesses will be willing to testify and the Court's [340] Order dated July 22, 2014 **IT IS ORDERED, within ten (10) prior to the October 28, 2014 hearing, the Defendants shall provide written confirmation indicating the form letters and materials sent by the Plaintiff to the inmate witnesses were received by the inmate witnesses.** The Court, the Plaintiff and Ms. Fairbank further confer.

The Court summarizes the Court's orders and areas of focus this date.

Ms. Fairbank presents the parties' stipulation for amendment of the Proposed Joint Pretrial Order. **IT IS SO ORDERED.** Ms. Fairbank further states she anticipates the Amended Proposed Joint Pretrial Order to be filed prior to the October 28, 2014 hearing.

IT IS ORDERED, the office of the Attorney General shall arrange for the Plaintiff to be present by telephone at the Further Telephonic Pretrial Conference set for Tuesday, October 28, 2014 at 9:00 a.m. before Judge Howard D. McKibben. IT IS SO ORDERED.

At 10:08 a.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk