

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ASHLEY BARD, *individually*
and as the administrator for the
Estate of Zachary Ryan Goldson,
Plaintiff,

Case No. 1:15-cv-00643

Dlott, J.
Litkovitz, M.J.,

vs.

Brown County, *et al.*,
Defendants.

ORDER

This matter is before the Court following an informal discovery conference held on July 26, 2017. The outstanding discovery issues discussed at the conference are resolved as follows:

1. Plaintiff's counsel and individuals authorized by this Order are permitted to observe the layout of the jail cell, perform measurements, take photographs, and make video recordings inside the jail cell; this includes the video recording of BCI Agent Hornyak, at a separate time from the plaintiff's expert team's activities at the site, demonstrating the investigative steps he previously performed at the site in his capacity as a fact witness. Plaintiff will perform any potentially destructive testing off site.
2. The individuals who are authorized to attend the site visit are one attorney for each side, four members of plaintiff's expert team, and one defendants' expert.
3. Following BCI Agent Hornyak's demonstration and questioning inside the jail cell, plaintiff will continue the deposition of Agent Hornyak at a location outside the jail cell. A videographer who is qualified under Fed. R. Civ. P. 28(a)(1)(A) will video record Agent Hornyak's deposition.

4. Plaintiff has opted to use a new sprinkler head and escutcheon that is in the possession of the Brown County Coroner for purposes of the site visit, subject to any restrictions imposed by the Brown County state court, rather than use the sprinkler head and escutcheon currently in the Brown County Sheriff's possession.
5. Defendants will provide a step ladder for use inside the jail cell during the site visit.
6. Defendants have agreed to provide five white bed sheets to plaintiff's counsel for testing purposes as requested.
7. Plaintiff's requests to bring items into the jail that could potentially be used as contraband - including a razor blade, pocket knife, screwdriver, table/butter knife, and handcuffs/leg shackles - are moot.
8. Plaintiff's experts will not bring duct tape and extra batteries into the jail but may retrieve these items from outside the jail if necessary during the course of the site visit.
9. The parties shall submit a joint proposed amended calendar order by **August 2, 2017**.

IT IS SO ORDERED.

Date: 7/27/17


Karen L. Litkovitz
United States Magistrate Judge