

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Misty Clark,	:	
	:	
Plaintiff	:	Civil Action 2:11-cv-00980
	:	
v.	:	Judge Sargus
	:	
Ryan Britton,	:	Magistrate Judge Abel
	:	
Defendant	:	

ORDER

Defendant Ryan Britton's April 17, 2013 unopposed motion to stay the dispositive motion deadline (doc. 27) is DENIED.

Plaintiff Misty Clark's March 11, 2013 motion to compel (doc. 16) is GRANTED in part. Defendant is ORDERED to provide plaintiff's counsel of the names of the two inmate witnesses. Defendant's reliance on ODRC Policy 07-ORD-03 is misplaced. The policy concerns the recording, maintenance and management of an inmate's Record Office File, which contains copies of official court documents and other confidential information pertaining to an inmate's institutional adjustment. Clark does not seek access to the inmates' Record Office Files.

Prison investigators had reason to believe these two inmates had information relevant to plaintiff's allegations against Britton. Although the investigator's notes about their statements suggest that one inmate had no information relevant to the investigation and the other only some, I cannot say that talking with them may not lead

to discoverable, relevant information. To address defendant's security concerns, the disclosures of the names will be limited at this time to plaintiff's counsel's eyes only. If these inmates have information plaintiff's counsel believes supports their client's claims or undermines defendant's defenses, they may file a motion, supported by good cause, to permit them to disclose the inmate's names to Ms. Clark.

The motion to compel is DENIED with respect to Britton's order of deployment. From defendant's reply brief it appears that plaintiff now has all the information about the deployment to which she is entitled.

Under the provisions of 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P., and Eastern Division Order No. 91-3, pt. F, 5, either party may, within fourteen (14) days after this Order is filed, file and serve on the opposing party a motion for reconsideration by the District Judge. The motion must specifically designate the Order, or part thereof, in question and the basis for any objection thereto. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

s/Mark R. Abel
United States Magistrate Judge