

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

JANICE BUSH, as Special Administrator)
 for the Estate of Ronald Garland, deceased,)
)
 Plaintiff,)
)
 v.)
)
 BRET BOWLING, in his official and)
 individual capacity as Sheriff Creek County,)
 Okla., et al.,)
)
 Defendants.)

Case No. 19-CV-98-GKF-FHM

OPINION AND ORDER

Plaintiff's *Motion to Compel Discovery from Defendant Bret Bowling in his Official Capacity*, [Dkt. 141], has been fully briefed, [Dkts. 150, 151], and is ripe for decision.

Plaintiff seeks an Order compelling Defendant Bowling to produce the DVR server to a third party vendor for a forensic examination at Defendant Bowling's expense. Defendant responds that Plaintiff should first be required to copy and review an external hard drive to which relevant data was saved prior to conducting a third party forensic examination of the DVR server. Defendant also objects to having to pay for any examination.

After consideration of the parties' arguments, the court finds that allowing Plaintiff to conduct a third party forensic examination of the DVR server will more appropriately serve the needs of this case. Such an examination has the best chance of finally resolving the issues concerning the highly relevant video evidence in the case. Plaintiff's request to require Defendant Bowling to pay the cost of the examination is DENIED without prejudice

to reconsideration based on the results of the examination.

Plaintiff's *Motion to Compel Discovery from Defendant Bret Bowling in his Official Capacity*, [Dkt. 141], is GRANTED in part and DENIED in part.

SO ORDERED this 11th day of December, 2019.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE