

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN E. GRIFFIN,

Plaintiff,

16cv0021 Erie
ELECTRONICALLY FILED

v.

LT. SETTNEK, OFFICER WOODS, and
OFFICER MOORE,

Defendants.

ORDER ON DEFENDANTS' OBJECTIONS TO PLAINTIFF'S EXHIBITS

This case is scheduled to begin a jury trial on February 12, 2018. The trial will narrowly focus on: (1) whether the Plaintiff was punched by either Defendant Woods or Defendant Moore on August 29, 2015, while Plaintiff was in the medical unit, and (2) whether Defendant Settnek was present at the moment the alleged punch occurred.

Based upon the specific claims that will be presented to the jury, the Court has carefully considered the Parties' Joint Exhibit List (see doc. no. 92) and Defendants' objections to several exhibits proffered by Plaintiff. All of Defendants' objections will be SUSTAINED.

Based on this ruling, the only exhibits that will be admissible at time of trial are as follows:

- (1) The medical photo of Plaintiff's face from the incident on August 29, 2015 (identified on the Joint Exhibit List as "1" and "Exhibit-X").
- (2) The inmate misconduct response which is the Plaintiff's response to the misconduct which describes the events of August 29, 2015 (identified on the Joint Exhibit List as "8" and Exhibit A-E").

- (3) The DIVAR Video of FA and escort to the medical unit on August 29, 2015 (identified on the Joint Exhibit List as “13”).
- (4) The handheld video (in the medical unit and to RHU) on August 29, 2015 (identified on the Joint Exhibit List as “14”).
- (5) The RHU Intake Video (identified on the Joint Exhibit List as “15”).
- (6) Medical Incident Report on August 29, 2015 / Staff assault by inmate assessment (identified on the Joint Exhibit List as “16”).
- (7) Photographs of Plaintiff in medical unit (identified on the Joint Exhibit List as “17”).
- (8) Plaintiff’s medical records from 9/21/2013 to March 10, 2016 (identified on the Joint Exhibit List as “18”).
- (9) Misconduct B 294732 describing the events for which the misconduct was issued (identified on the Joint Exhibit List as “19”).
- (10) Plaintiff’s Handwritten Statement dated August 30, 2015 (identified on the Joint Exhibit List as “20”).

Defendants’ are instructed to prepare a Revised Joint Exhibit List which only includes the aforementioned exhibits and that two copies of the Exhibit binders are delivered to the Court. Defendants must also provide Plaintiff with a copy of the exhibit list and the corresponding exhibits in a binder for use at trial. Finally, Defendants must ensure that all of the above exhibits are able to be displayed to the jury in an electronic format.

SO ORDERED, this 24th day of January, 2018.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record and

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