

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SUSAN DOXTATOR, et al.,

Plaintiff(s),

v.

TELEPHONE STATUS CONFERENCE

Case No. 19-C-137

ERIK O'BRIEN, et al.,

Defendant(s).

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: August 24, 2020
Deputy Clerk: Mara

Time Called: 10:00 a.m.
Time Concluded: 10:16 a.m.
Tape: 082420 AT&T

Appearances:

Plaintiff(s): Forrest Tahdooahnippah

Defendant(s): Jasmyne Baynard on behalf of City of Green Bay defendants
Jose Castro on behalf of Brown County defendants

The Court addresses the letter filed by Plaintiffs' counsel regarding a discovery dispute (docket no. 102). Mr. Tahdooahnippah addresses Rule 30(6)(b) testimony on any data that was lost from the cell phones that were issued by GBPD at the time of the incident. Ms. Baynard responds and addresses the destruction of the flip phones. The Court inquires if the issued cell phones had texting, camera or email capabilities at the time. Ms. Baynard notes they were not smart phones but there is a possibility that there were texting and camera capabilities. The Court notes the issue here is whether the issued cell phones had those capabilities or not. Ms. Baynard addresses Plaintiffs' interrogatories. Ms. Baynard states she talked to some staff at the jail regarding the cell phone capabilities and destruction process. The Court suggests that Ms. Baynard file an Affidavit regarding what capabilities the issued phones had at the time of the incident. Mr. Tahdooahnippah addresses email correspondence between counsel regarding this dispute. Ms. Baynard will file an Affidavit stating the model of the issued cell phones and what capabilities the cell phones had at the time of the incident. Mr. Tahdooahnippah notes that if the phones were in fact equipped with camera or texting capabilities that he would possibly file a motion for spoliation. The Court notes if the parties have any further discovery disputes that they can contact the Clerk's Office to schedule a telephone conference.