

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

LAURIE TARDIFF, individually and on
behalf of others similarly situated,

Plaintiffs

v.

Civil No. 02-251-P-C

KNOX COUNTY, DANIEL DAVEY, in his
individual capacity and in his official capacity
as Knox County Sheriff,

Defendants

Gene Carter, Senior District Judge

**ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION
ON ORDER PURGING THE DOCKET ON [sic] SUPERFLUOUS AND
UNAUTHORIZED WITNESS LISTS**

Now before the Court for decision is Defendants' Motion for Reconsideration on Order Purging the Docket on [sic] Superfluous and Unauthorized Witness Lists (Docket Item No. 317). After full consideration of the issues generated by the Motion, it is hereby **ORDERED** that the Motion be, and it is hereby, **DENIED**. The Court's Order of June 16, 2006 (Docket Item No. 220) allowing each side to list thirty-three (33) witnesses for trial superseded all other Orders in respect to permitted witness lists with respect to number of witnesses. Docket Items Nos. 244 and 288 were stricken for not complying with the numerosity requirement of the Court's Order of June 16th because each list contains in excess of thirty-three (33) witnesses.

The Court notes that its Order, Docket Item No. 316, does not exclude, by its terms, any witness that may be tendered at trial. Rather, it simply sets the stage for the Court to require as to any tendered witness in excess of those listed in the approved witness list, a showing of cause as to why the tendered witness could not have been timely noticed in compliance with Docket Item No. 220, by listing in a witness list filed post-June 12-16. The Court will rule at trial on whether any such witness, if tendered at trial, will be allowed to testify. Hence, there is no present exclusion and thus no present prejudice from the Court's Order.

/s/Gene Carter

GENE CARTER
Senior U.S. District Court Judge

Dated at Portland, Maine this 19th day of September, 2006.

Plaintiff

LAURIE TARDIFF

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Defendant

DANIEL DAVEY

*In His Individual Capacity, and in
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Knox County*

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Defendant

JANE DOE

In Her Individual Capacity
TERMINATED: 04/19/2006

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Defendant

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