

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

**ORDER PRESCRIBING THE PERFORMANCE OF FURTHER
DISCOVERY BY DEFENDANTS OF THOSE CLASS MEMBERS
PLAINTIFF DOES NOT DESIGNATE TO CALL AS WITNESSES AT TRIAL**

After Plaintiffs' Counsel has designated the witnesses Plaintiffs will call at trial, as required by the [Amended] Report of Final Pretrial Conference and Order (Docket Item No. 187), Defendants may contact any members of the Plaintiff class not otherwise designated as witnesses at trial by Plaintiff herein for the limited purpose of inquiring about their knowledge of the facts in litigation in this case, all such contacts and inquiries to be conducted in strict accordance with the following conditions:

1. All such inquiries shall be completed in the period between June 1, 2006 and September 1, 2006;
2. It shall be the responsibility of Defense Counsel to arrange for such party members to appear for such inquiries in a timely manner so as not to delay the ongoing process of trial preparation and to give Plaintiffs' Counsel timely notice of each such inquiry;

The process of arranging and conducting said inquiries as specified above shall be the responsibility of Defense Counsel and shall proceed in an efficient, organized manner and without unnecessary delay. In default of such performance the Defendants shall be deemed to have lost by waiver the right and opportunity to inquire of absentee class members;

Any contact or inquiry with a class member shall be carried out by an attorney and only attorneys shall be in attendance at any inquiry unless counsel otherwise agree;

In accomplishing this discovery, Defense Counsel shall proceed cooperatively with Plaintiffs' Counsel;

3. It is **ORDERED** that Plaintiffs' Counsel participate in good faith, fully, efficiently, and in a cooperative manner with Defense Counsel to secure the speedy accomplishment of the discovery to which the Defendants are entitled hereunder. In the event that Plaintiffs' Counsel shall decline or fail to appear at any inquiry, as scheduled by Defense Counsel, after receiving timely notice thereof, Defense Counsel shall be permitted to proceed with said inquiry in the absence of Plaintiffs' Counsel.

The Court **ADVISES** counsel herein that they may propose in writing to the Court for its consideration on or before May 26, 2006 any alternative plan or process for achieving completion of this discovery to which the Court has found Defendants to be entitled herein that will accomplish the efficient completion of such discovery in a manner that will not delay trial as now scheduled, and the Court will consider its authorization in lieu thereof.

Defense Counsel shall add, on or before September 4, 2006, to its July 15, 2006 Witness List, see Report of Final Pretrial Conference and Order, at ¶ 2.B, class members

interviewed pursuant to this Order after July 15, 2006 who Defense Counsel intends to call as witnesses at trial.

/s/Gene Carter
GENE CARTER
Senior District Court Judge

Dated at Portland, Maine this 16th day of May, 2006.

Plaintiff

LAURIE TARDIFF

represented by **DALE F. THISTLE**
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V.

Defendant

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Defendant

DANIEL DAVEY

*In His Individual Capacity, and in
his Official Capacity as Sheriff of
Knox County*

represented by **GEORGE T. DILWORTH**
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Defendant

JANE DOE
In Her Individual Capacity
TERMINATED: 04/19/2006

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Defendant

JOHN DOE
In His Individual Capacity
TERMINATED: 04/19/2006

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