

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ASHLEY DIAMOND,

Plaintiff,

v.

TIMOTHY WARD, *et al.*,

Defendants.

No. 5:20-cv-00453-MTT

JOINT STATUS REPORT ON DISCOVERY

Pursuant to this Court’s “Rules 16 and 26 Order,” (ECF 40), the parties jointly submit the following status report regarding discovery.

WRITTEN DISCOVERY

Plaintiff served on GDC Defendants¹ three sets of requests for production, including expedited discovery for Plaintiff’s motions for preliminary injunction and a protective order. Plaintiff has received some documents in response to her document requests.

GDC Defendants objected to Plaintiff’s expedited discovery requests served on April 16, 2021, for non-privileged communications concerning Plaintiff, her health and healthcare needs, housing and safety within GDC, and her eligibility for parole or transfer. (ECF 88-07). These requests and objections were the subject of a motion to compel, (ECF 87), which was subsequently adjourned on the date of a scheduled hearing, June 8, 2021, pursuant to an agreement by the parties to narrow the requests by use of keyword searches. The parties further agreed that GDC Defendants will file a Certificate of Completion “confirming that production of

¹ “GDC Defendants” refers to Defendants Ward, Lewis, J. Jackson, Holt, Toole, Ford, Sauls, Benton, Atchison, L. Smith, and R. Jackson.

outstanding discovery requests in connection with preliminary motions filed on April 9, 2021 is complete,” which will trigger deadlines regarding post-hearing briefing, expert disclosures, and motions to amend the pleadings. (ECF 108).

GDC Defendants responded to queries concerning their email search capabilities on June 11, 2021 which informed Plaintiff’s provision of keywords, provided on June 21, 2021, for the requests that were the subject of the motion to compel. GDC Defendants have represented to Plaintiff that they are conducting a search for potential responsive communications. GDC Defendants will file the Certificate of Completion referenced in the Amended Scheduling Order, (ECF 108), when their production is complete. Plaintiff served additional written discovery on May 28, 2021 to which Defendants served their responses on July 30, 2021.

Plaintiff also requested video and/or audio recordings from surveillance cameras and handheld video cameras for a number of specified date ranges as part of expedited discovery requests served on April 30, 2021. GDC Defendants produced video recordings on May 10, 2021. GDC Defendants have conducted a search for additional responsive video recordings and are not aware of any additional responsive recordings at this time.

In their July 30, 2021 response, GDC Defendants objected to and have withheld psychotherapy notes based on protections under the Health Insurance Portability and Accountability Act (“HIPAA”), 45 C.F.R. § 164.524. The parties will confer about this issue.

The parties and their Persons Most Knowledgeable (“PMK”) on Electronically Stored Information (“ESI”) conferred on August 2, 2021, to inform and finalize the proposed ESI Agreement Plaintiff provided to Defendants on March 30, 2021 and to inform document requests going forward, including Plaintiff’s requests for email communications. GDC Defendants

represented that another ESI meeting with a different PMK would be required to identify information to inform Plaintiff's discovery related to requests for video evidence.

GDC Defendants have served expedited requests for production, to which Plaintiff has responded with objections and with a document production. Plaintiff and GDC Defendants have also served and received responses to their interrogatories and requests for admission.

DEPOSITIONS

Plaintiff deposed four witnesses—Tamara Cantera, Tia Fletcher, Dr. David Roth, and Dr. Daniel Fass—related to the May 12 and 13, 2021 hearing on Plaintiff's preliminary motions.

EXPERT DISCOVERY

Expert discovery has not yet commenced because deadlines were adjourned until GDC Defendants' production of the discovery subject to the motion of compel is complete. Therefore, the parties do not have expert discovery issues to report at this time.

Respectfully submitted.

August 6, 2021

/s/ Elizabeth Littrell

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CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing document and all attachments were served on all counsel of record through the Court's CM/ECF system.

/s/ Elizabeth Littrell

Elizabeth Littrell

Counsel for Plaintiff Ashley Diamond