

**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

**UNOPPOSED MOTION FOR LEAVE TO INTERVIEW INCARCERATED
WITNESSES TO PREPARE FOR TRIAL**

Pursuant to Local Rule 7.1, Plaintiff Ashley Diamond respectfully submits this Unopposed Motion for Leave to Interview Incarcerated Witnesses to Prepare for Trial, stating as follows:

1. On October 21, 2022, the Court ordered pretrial submissions, including witness lists, by December 2, 2022, and set trial for as early as the week of January 17, 2023. ECF 169.

2. Under Rule 26(a)(1)(A) of the Federal Rules of Civil Procedure and in response to interrogatories, Plaintiff has identified the following witnesses as having discoverable information that she might use to support her claims, who are currently in the custody of the Georgia Department of Corrections (GDC), and who she potentially would add to her witness list for trial:

- **Harry Lyde,**
- **Jimmy Windle Horne,**
- **Christopher Ojeda, and**
- **Andre Stubbs.**

3. Plaintiff seeks an opportunity for her counsel to speak with these witnesses in order to prepare her trial witness list and for trial.

4. GDC requires a court order allowing the requested interviews, and both GDC through its counsel and also counsel for the Defendants have indicated that they will not oppose the entry of such an order as requested herein allowing one such witness preparation meeting with each of the identified witnesses.

5. Accordingly, Plaintiff requests that this Court enter the attached order allowing Plaintiff's counsel to meet confidentially one time with each of the identified witnesses for the purpose of trial preparation if the witness consents to such a meeting, subject to reasonable security restrictions as may be determined are appropriate for such a meeting for each witness by GDC.

Respectfully submitted.

Dated: November 7, 2022

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* Admitted *Pro Hac Vice*

Counsel for Plaintiff Ashley Diamond

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/ Scott D. McCoy
Scott D. McCoy

Counsel for Plaintiff Ashley Diamond

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**[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR LEAVE TO
INTERVIEW INCARCERATED WITNESSES TO PREPARE FOR TRIAL**

Having considered Plaintiff’s Unopposed Motion for Leave to Interview Incarcerated Witnesses to Prepare for Trial, Plaintiff’s motion is GRANTED. The Georgia Department of Corrections is hereby ORDERED to allow Plaintiff’s counsel to conduct one interview with each of the following state prisoners, each of whom is presently in GDC custody, for the purpose of preparing for trial: Harry Lyde; Jimmy Windle Horne, Christopher Ojeda, and Andre Stubbs. Each meeting shall be subject to the witness consenting to so meet. The meetings shall be in a confidential setting, shall be scheduled and held at a time that is reasonable and workable for GDC, and shall be subject to reasonable security restrictions as may be determined appropriate by GDC. The interviews may be either in person or by remote video access, as determined by mutual agreement between GDC and Plaintiff’s counsel.

SO ORDERED, this ____ day of _____, 2022.

**MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT**