

**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

**PLAINTIFF'S MOTION FOR LEAVE TO INTERVIEW INCARCERATED
WITNESSES TO PREPARE FOR TRIAL**

Pursuant to Rule 7(b) of the Federal Rules of Civil Procedure and Local Rule 7.1, and for the reasons set forth in the accompanying Memorandum of Law, Plaintiff Ashley Diamond respectfully requests a Court Order granting her attorneys leave to conduct follow-up interviews with witnesses who are in the custody of the Georgia Department of Corrections in order to further prepare for trial. Plaintiff requests the Court to order that she be permitted to conduct a one-hour-long legal call with each of the following three incarcerated witnesses identified on the Parties' witness lists: Harry Lyde, Christopher Ojeda, and Justin Riley.

Respectfully submitted,

Dated: January 9, 2023

/s/ A. Chinyere Ezie

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Counsel for Plaintiff Ashley Diamond

CERTIFICATE OF SERVICE

I hereby certify that, on January 9, 2023, the foregoing document and all attachments were served on all counsel of record through the Court's CM/ECF system.

/s/ A. Chinyere Ezie

A. Chinyere Ezie

Counsel for Plaintiff Ashley Diamond

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**MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO INTERVIEW
INCARCERATED WITNESSES TO PREPARE FOR TRIAL**

Pursuant to Rule 7(b) of the Federal Rules of Civil Procedure and Local Rule 7.1, Plaintiff Ashley Diamond respectfully submits this Memorandum in Support of her Motion for Leave to Interview Incarcerated Witnesses to Prepare for Trial, stating as follows:

1. On January 9, 2023, the Court set trial to begin on January 17, 2023. Notice of Setting Jury Trial.

2. On their witness lists, the Parties have identified the following witnesses, who are currently in the custody of the Georgia Department of Corrections (GDC), and who they may or will call for trial:

- **Harry Lyde,**
- **Christopher Ojeda, and**
- **Justin Riley.**

3. Plaintiff seeks an opportunity for her counsel to speak with these witnesses in order to further prepare for trial. Plaintiff requests that she be permitted to conduct one one-hour-long call with each of the identified witnesses.

4. GDC requires a Court Order allowing the requested interviews.

5. Accordingly, Plaintiff requests that this Court enter the attached Order allowing Plaintiff's counsel to meet confidentially one time for one hour 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: January 9, 2023

/s/ A. Chinyere Ezie

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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 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 one-hour-long 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, GDC ID 0001211352; Christopher Ojeda, GDC ID 1001265335; and Justin Riley, GDC ID 1001875338. Each meeting shall be subject to the witness’s consent. 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 January, 2023.

MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT