

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

United States District Court
District of Connecticut
FILED AT NEW HAVEN

November 20 20 18
Roberta D. Tabora, Clerk

By  Deputy Clerk

STANDING ORDER RE: INITIAL DISCOVERY DISCLOSURES

This Order shall be entered in any case in which a self-represented inmate in the custody of the Connecticut Department of Correction ("DOC") files suit against one or more employees of the State of Connecticut relating to events occurring during plaintiff's incarceration. The Order shall be entered upon the filing of an Initial Review Order ordering service of the Complaint.

ORDER

The Complaint has been reviewed by the Court, and an Initial Review Order has been filed, allowing the Complaint to proceed to service of process on defendant(s).

In order to assist in the efficient prosecution of this matter, the Court hereby enters the following Order:

1. MATERIALS TO BE PROVIDED BY PLAINTIFF

Within 45 days from the appearance of any defendant, the self-represented plaintiff shall provide the following materials to counsel for the defendant(s):

- A list of any witnesses believed to have relevant information regarding the claims in the Complaint.

- A damages analysis, that is, a statement of any money damages claimed and the basis for such claims. The damages analysis must state the type of harm the plaintiff suffered, and the basis for any demand for financial compensation for the harm.
- A statement of any non-monetary relief sought by plaintiff.
- Copies of any grievances, complaints, notices, reports or correspondence in plaintiff's possession that relate to the claims in the Complaint.

2. MATERIALS TO BE PROVIDED BY DEFENDANT(S)

Within 45 days from the appearance of a defendant, counsel for that defendant shall provide the following materials to the self-represented plaintiff:

- A list of any witnesses believed to have relevant information regarding the claims in the Complaint.
- Copies of any grievances, complaints, notices, reports filed by the plaintiff, or correspondence from the plaintiff, in the possession of any individual defendant or the DOC that relate to the claims in the Complaint.

- Copies of any incident reports, reports of investigation, disciplinary reports, or similar reports relating to the claims in the Complaint.
- If the Complaint includes a claim relating to medical treatment, physical injuries, medication, mental illness, or other medical issues (whether physical or psychological), a copy of the plaintiff's DOC medical records for the relevant time period set forth in the Complaint and/or the Initial Review Order.

If redactions are made to any materials disclosed, the disclosure must be accompanied by a privilege log indicating the basis for the redactions.

3. PRESERVATION OF EVIDENCE

Counsel for the defendants shall immediately confer with any individual defendants and with staff at the correctional facility or facilities at which the events underlying the claims in the Complaint occurred and direct the defendants and staff to preserve any video recordings, whether made by stationary, surveillance, or handheld cameras, and any photographs, that may have captured the events giving rise to the Complaint. **Failure to preserve relevant video recordings or photographs may result in the imposition of sanctions.** Such materials need not be produced at this time, but must be preserved.

4. OBJECTIONS

If either party seeks to be relieved from any of the requirements of this Order, a motion explaining the relief sought and the basis for that relief must be filed by the plaintiff within ten days of the docketing of this Order, and must be filed by a defendant within ten days of the appearance of that defendant's counsel.

5. AFFIRMATIVE DEFENSES

If a defendant asserts any affirmative defenses related to (a) failure to exhaust administrative remedies; (b) jurisdiction; or (c) release of the claims at issue; counsel for that defendant shall file a notice with the Court within 45 days of the appearance of the defendant, describing the defenses.

SO ORDERED.

Dated at Bridgeport, Connecticut this 20th day of November 2018.

/s/ Stefan R. Underhill
Stefan R. Underhill
Chief U.S. District Judge