

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

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In the matter of	*	
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AMERICANS UNITED FOR SEPARATION	*	4:03-cv-90074 (lead),
OF CHURCH AND STATE, et al.,	*	4:02-cv-90447, 4:03-cv-90101
	*	
Plaintiffs,	*	
v.	*	
	*	
PRISON FELLOWSHIP MINISTRIES, et al.,	*	
	*	ORDER
Defendants.	*	
	*	

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Before the Court is Plaintiffs' Motion for Order Requiring Production of Documents Concerning Defendants' Inmate and Ex-Inmate Witnesses (Clerk's No. 313) filed on November 10, 2005. The Defendants filed a Response (Clerk's No. 317) on November 14, 2005, which was followed by Plaintiffs' Reply (Clerks' No. 318) on November 15, 2005. The Court entered an Order (Clerk's No. 316) on November 10, 2005, in which it set a phone hearing for November 14, 2005,<sup>1</sup> despite stating that Plaintiffs' "request appears reasonable given the Defendants' use of Department of Corrections and InnerChange records to impeach Plaintiffs' inmate witnesses during the Plaintiffs' case-in-chief." After considering the arguments contained in Defendants' Response and Plaintiffs' Reply, the Court has determined that no further hearing on Plaintiffs' Motion (Clerk's No. 313) is necessary. The Court considers the matter fully submitted.

In addition to its previous observation that Plaintiffs seem to be merely requesting what was available to Defendants during Plaintiffs' case-in-chief, the Court also finds that the late disclosure of most

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<sup>1</sup> The phone hearing was subsequently postponed until today's date, November 16, 2005, at 3:00 p.m.

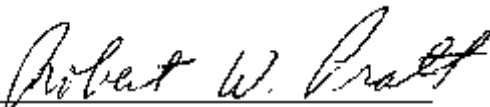
of the Defendants' inmate and ex-inmate witnesses precluded Plaintiffs from narrowly tailoring their discovery request for the documents they now seek, which are not voluminous in nature. Accordingly, Plaintiffs' Motion (Clerk's No. 313) is GRANTED.

Defendants shall produce to Plaintiffs all documents in all Department of Corrections and InnerChange files concerning the inmate and ex-inmate witnesses that Defendants have placed on their witness lists (Scott Foster, Kelly Paul, Robert Robinson, Robert Van Zante, Gary Titus, Jesse Weise, Paul Laughlin, Kerry Guy, Jerome Ambers, Brad Longenecker, Steven Six, and Herman Ronnfeldt). Likewise, if Plaintiffs plan rebuttal and there exist documents that would, as well, aid Defendants in their trial preparation, any and all such documents should be produced.

Defendants shall produce these documents to Plaintiffs by November 22, 2005.

IT SO ORDERED.

Dated this \_\_\_16th\_\_\_ day of November, 2005.

  
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ROBERT W. PRATT  
U.S. DISTRICT JUDGE

