

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ELLIOTT ABRAMS, et al.,

Plaintiffs,

-v-

WILLIS CHAPMAN, et al.,

Defendants.

Case No. 20-cv-11053

Hon. Mark A. Goldsmith

Mag. Judge R. Steven Whalen

**EMERGENCY
MOTIONS FOR EXPEDITED DISCOVERY AND
EXPEDITED EVIDENTIARY HEARING
AND
BRIEF IN SUPPORT**

Plaintiffs, through Counsel Daniel E. Manville, Kevin Ernst, and Hannah Fielstra, request this Court to grant these motions for limited expedited discovery and to set a date and time for an evidentiary hearing, and state in support.

1. Plaintiffs sought concurrence in these motions and have not received a response by the time of the filing of these motions. In the request for concurrence, Plaintiffs stated that if Defendants will agree to such motion, a notice of withdrawal and a stipulation and order will be submitted to this Court.

2. Plaintiffs are requesting that these motions be heard on an emergency basis due to the life and death situation that COVID-19 can impose on those 39,000 inmates confined within the prison system of Michigan.

3. Plaintiffs are requesting this Court to set an expedited scheduling order as to the holding of an evidentiary hearing on their injunctive motion (ECF No. 22).

4. This matter was referred to a settlement conference but not a single issued could be resolved through that process.

5. Plaintiffs and the proposed class are being subjected hourly to potential serious long-term medical complications and, if not, death, and now that it is clear this matter cannot be resolved through settlement, Plaintiffs are requesting relief of an emergency nature.

6. In preparation for an evidentiary hearing, Plaintiffs are requesting limited discovery in this matter. The expedited discovery is needed in the following areas:

- Depositions of Defendants Washington and Dr. McIntyre Chief Medical Officer;

- Any writings relating to the grievance process that were issued since December 1, 2019 to present;

- All writings in relation to the testing of prison staff;

- A listing of the designation of pole barns, the number of cubes in each, the number of bunk beds in each, and the number of inmates in each;

- A list of witnesses to testify at the evidentiary hearing and a summary of their testimony and the providing of any documents to be used with that witness;

- An entry on land as to the following cellblocks at Jackson Prison, Cellblocks 3, 4, 5, 6, 7, 8, 11, 12, the prior infirmary / hospital located inside Jackson, and any other areas inside Jackson prison, including use of a 35mm camera for still pictures and a video camera;

- To be allowed to bring one or more experts as to entry on land for review and possible testing of water, heating/cooling system, plumbings, etc.

7. This limited discovery is needed so that Plaintiffs can obtain and present evidence to this Court as to the unconstitutional conditions that exist within the MDOC and the available remedies as to social distancing.

8. Only through this limited expedited discovery can the Plaintiffs present a meaningful and informative evidentiary hearing.

9. Plaintiffs are asking this Court to order that Defendants produce the documents requests within 7 days of the delivery of the discovery requests.

10. Plaintiffs are asking that the depositions of these above identified individuals be started within 10 days of the discovery requests and be completed within 3 days thereafter.

WHEREFORE, this Court should grant this Motion and set a date and time for an evidentiary hearing, and grant an expedited discovery schedule as set forth above.

Respectfully submitted,

/s/ Daniel E. Manville

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Certificate of Service

I Daniel E. Manville, under penalty of perjury states that the above document was served by ECF system on counsel for the defendants on May 30, 2020.

s/ Daniel E. Manville