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LOUISVILLE METRO COUNCIL

COMMONWEALTH OF KENTUCKY
LOUISVILLE METRO GOVERNMENT
JEFFERSON COUNTY, KENTUCKY

**IN THE MATTER OF CHARGES AGAINST
DISTRICT 21 COUNCILMAN DAN JOHNSON**

**CHARGING COMMITTEE'S MOTION IN LIMINE
TO EXCLUDE EVIDENCE OF LEAKS**

Comes the Charging Committee, by counsel, and based on Respondent's Response to Complaint filed August, 24, 2017, has reason to believe that the Respondent Councilman Dan Johnson will try to introduce evidence that documentation of his acts was "leaked" to other Council members, the media or the public. The introduction of such evidence will be irrelevant and will only serve to divert, distract and mislead the Council Court in determining the validity of the charges filed.

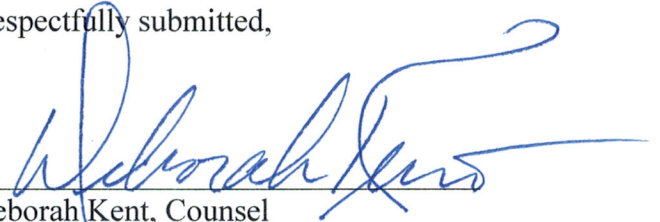
The premature or accidental release of a finished document subject to the Open Records Act is irrelevant to the proceedings, and Respondent must bear the burden to prove prior to the hearing the relevancy and necessity of his proposed evidence. The evidence must be directly related to the charges and of a type that assists the Council Court in deciding the issues raised in the charges

Extraneous information about leaks and gossips will not assist the Council Court in the task of finding facts within documents presented, and as premature release or careless gossip about the documents does not change their contents, it is not probative. The Respondent should not be permitted to delay the hearing with evidence of leaks and gossip.

The Respondent must meet the burden of proving the relevancy and necessity of his proposed evidence, prior to the hearing. The Charging Committee respectfully requests that such

testimony of leaks be excluded and the Respondent be prohibited from introducing it.

Respectfully submitted,



Deborah Kent, Counsel
Charging Committee

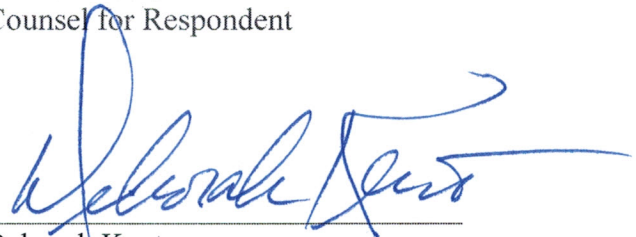
CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was sent via email and first class mail to the following on October 18, 2017:

Hon. Stephen Ott
Metro Council Clerk
601 W. Jefferson St.
Louisville, Ky. 40202

Hon Mike O'Connell
Jefferson County Attorney
600 W. Jefferson St.
Louisville, Ky. 40202

Hon. Thomas McAdam
2950 Breckenridge Lane Ste 9
Louisville, Ky. 40220
Counsel for Respondent



Deborah Kent

**IN THE MATTER OF CHARGES AGAINST
DISTRICT 21 COUNCILMAN DAN JOHNSON**

ORDER EXCLUDING ALL EVIDENCE OF LEAKS

Comes the Charging Committee by counsel and offers the following Order to Exclude All Evidence of leaks;

1. The parties are prohibited from introducing testimony, evidence and exhibits related to leaks. Such testimony, evidence and exhibits are not probative and will unduly prejudice the Council Court members, delay the proceedings or deflect from hearing the charges.
2. The parties are further ordered to advise those testifying to avoid any direct or indirect testimony of leaks by witnesses during their testimony.
3. If either party wishes to introduce such testimony, evidence or exhibits of leaks it shall be done prior to the hearing and be ruled on by the Court.

IT IS SO ORDERED

President David Yates
Chair, Metro Council Court