

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 OBJECTS TO RESPONDENT'S
REQUESTS FOR ISSUANCE OF SUBPOENA DUCES TECUM

Comes the Charging Committee, by counsel, and objects to the Respondent's request for issuance of Subpoena Duces Tecum to be served on eighteen (18) witnesses, filed on October 23, 2017.

On September 14, 2017 the Council Court issued a pre-hearing scheduling order requiring that each party file their respective Witness List and Exhibit List on or before October 23, 2017. Charging Committee timely filed both a Witness List and an Exhibit List of 36 items. The Respondent did not file any Exhibit List, but timely filed his required Witness List and Application for Subpoena Duces Tecum. In filing his witness list as an application for subpoenas Duces Tecum, Respondent is seeking documents that cannot be introduced during the hearing as they were not previously disclosed and exchanged on October 23, 2017 as required by the Court. There is no other use for these documents except to burden the witnesses and the Court with these unknown documents during the proceedings.

Regardless of the Respondent's intent, this Court must prohibit the introduction of any exhibit that the Respondent may discover through the service of the Subpoena Duces Tecum because it was not exchanged with Charging Committee prior to the Court's deadline.

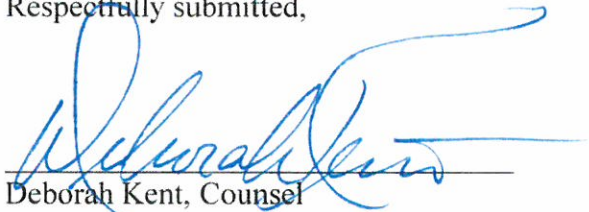
It would be blatantly unfair to give the Respondent an advantage over the Charging Committee by allowing the late filing of exhibits, when the Charging Committee has abided by

the rules and deadlines set. The Respondent's request can only be viewed as a back door effort to circumvent the Court's scheduling order. The "Duces Tecum" requests should be summarily denied.

The Respondent had the opportunity to secure the necessary exhibits by conducting his own investigation, interviewing witnesses and filing Open Records requests. The failure to perform the required due diligence should not be a reason for the Court to grant the request for Subpoena Duces Tecum. To do so would be an excuse to delay the hearing and cause confusion.

To be clear, Charging Committee does not object to any particular subpoena, merely to the Duces Tecum as it cannot produce any exhibits for the hearing if the Court upholds its own Scheduling Order.

Respectfully submitted,



Deborah Kent, Counsel
Charging Committee

CERTIFICATE OF SERVICE

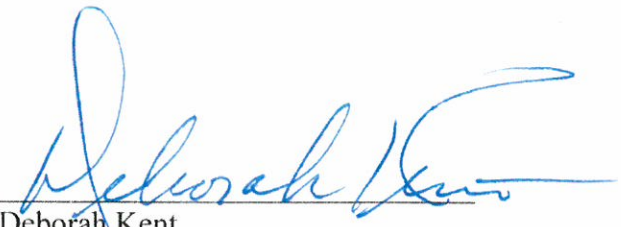
It is hereby certified that a copy of the foregoing was sent via email and first class mail to the following on October 26, 2017:

Hon. Stephen Ott
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Deborah Kent