

LOUISVILLE METRO COUNCIL

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DATE 10/27/17 TIME: 1245 A.M.  
COMMONWEALTH OF KENTUCKY  
LOUISVILLE METRO GOVERNMENT  
JEFFERSON COUNTY,  
KENTUCKY

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IN THE MATTER OF CHARGES AGAINST  
DISTRICT 21 COUNCILMAN DAN JOHNSON

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CHARGING COMMITTEE'S OBJECTION TO RESPONDENT'S

MOTION FOR DISCLOSURE OF DOCUMENTS

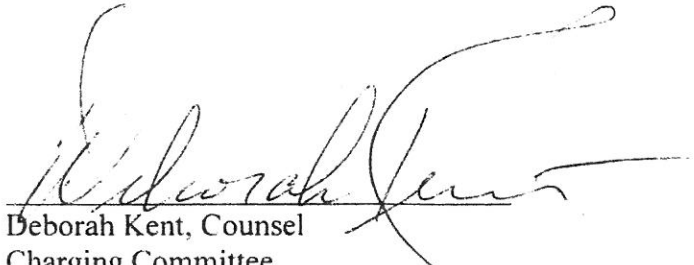
(RESPONDENT'S MOTION NO. 7)

Comes the Charging Committee, by counsel, and objects to the Respondent's Motion for Disclosure of Documents in the possession of the Charging Committee, filed on October 24, 2016, at 9:15 p.m. Respondent claims that a large quantity of documents and information were obtained by counsel on behalf of the Charging Committee and somehow he is entitled, at this late date, to a copy of them. To be more specific, he is seeking any "exculpatory information" that counsel to Charging Committee found in review of those documents. The Motion does not provide legal justification for the Motion or cite law or a rule that requires (or even permits) the turning over of its case file, *including counsel's work product*. It appears, once again, the Respondent is seeking trial exhibits for trial, well past the deadline for disclosure.

Without a statutory mandate the Charging Committee is not required to produce its workproduct. It should be noted that the Respondent is not prohibited or constrained from seeking such information. His failure to conduct pre-hearing discovery is not due to the Charging Committee, but is simply his failure to recognize the import of the removal procedure. The Charging Committee should not be unfairly penalized simply because it has been diligent and productive in carrying out its responsibility to conduct the upcoming removal hearing expeditiously.

The Charging Committee asserts the Motion is not based in law and should be summarily overruled. The failure of the Respondent to conduct his own due diligence in investigating this matter and preparing for trial should not be the basis for granting the Motion. It would be blatantly unfair to give the Respondent an advantage over the Charging Committee. It has abided by the rules and deadlines set, and the Respondent hasn't.

Respectfully submitted,



Deborah Kent, Counsel  
Charging Committee

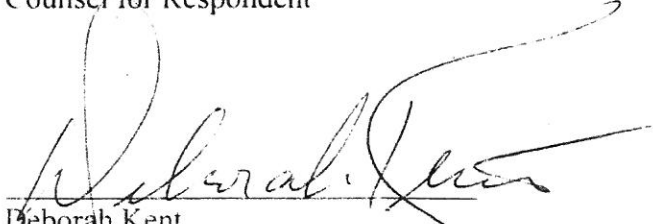
#### CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was sent via email and first class mail to the following on October 27, 2017:

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

Hon Mike O'Connell  
Jefferson County Attorney  
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Hon. Thomas McAdam  
2950 Breckenridge Lane Ste 9  
Louisville, Ky. 40220  
Counsel for Respondent



Deborah Kent