

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI **FILED**
SOUTHEASTERN DIVISION

FEB 10 1982

LARRY GRAY, RONALD ARTIS,
ALONZO PATTERSON, and GLEN
AVERY,

Plaintiffs,

vs.

BILL FERRELL, Sheriff of Scott
County and his agents, subor-
dinates and employees; LOUIS
HIRSCHOWITZ, ELDON ZIEGENHORN,
and DEWAINE SHAFFER, Judges of
the County Court of Scott
County, Missouri,

Defendant.

EYVON MENDENHALL
U. S. DISTRICT COURT
E. DISTRICT OF MO.

Case No. S81-18C
Case No. S81-0026C

AFFIDAVIT IN SUPPORT OF MOTION
FOR ORDER THAT FACTS BE TAKEN
AS ESTABLISHED

I, Francis J. Siebert, being first duly sworn, deposes
and says:

1. That I am the co-counsel for plaintiffs Larry Gray,
Ronald V. Artis, and Alonzo Patterson in the above-entitled
action.

2. That on December 23, 1981 the parties, through their
respective attorneys, conferred with the Court concerning the
Plaintiffs' Motion To Compel Production of Documents.

3. That at said conference the Court instructed defendant
Bill Ferrell to comply with the request for production of
documents, as amended by plaintiffs by limiting their request
to the period of time during which the plaintiffs were incar-
cerated and as amended by the plaintiffs through withdrawal
of a certain request.

4. That at the conference the Court granted defendant
Bill Ferrell twenty (20) days to answer the request for production
of documents, as amended.

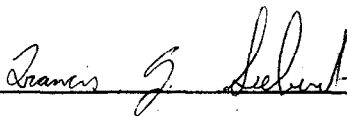
5. That thereafter, defendant Bill Ferrell received a
written order of the Court setting forth the Court's order
in regard to plaintiffs' Motion For Production of Documents.

6. That more than forty (40) days have passed since this Court's oral order of December 23, 1981 and that more than thirty (30) days have passed since the written order of January 5, 1982.

7. That the documents and records requested are in the possession and control and custody of said defendant, but that said defendant has failed to comply with the order for the production of documents.

8. That in order to properly prepare and present their claim against defendant Bill Ferrell, plaintiffs need to inspect and copy the above-mentioned documents and records within a reasonable time before trial.

9. That trial in the above-entitled cause is set for February 25, 1982.

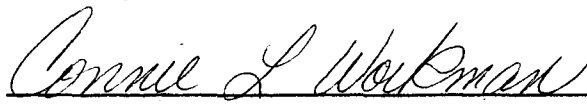


Francis J. Siebert

STATE OF MISSOURI)
COUNTY OF SCOTT) ss.

On this 9th day of February, 1982, before me, Connie L. Workman, a Notary Public in and for said state, personally appeared Francis J. Siebert, who being by me first duly sworn, declared that he is the person who signed and executed the above and foregoing Affidavit and acknowledged to me that he executed the same and stated that the matters set out therein are true and correct.

In Witness Whereof, I have hereunto set my hand and affixed my Notarial Seal in the County and State aforesaid.



Connie L. Workman, Notary Public

My commission expires:

PROOF OF SERVICE

The undersigned certifies that a complete copy of this instrument was mailed to the attorneys of each party to the above action, addressed to said

CONNIE L. WORKMAN
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES 8/25/84
SCOTT COUNTY

Gray v. Ferrell



JC-MO-013-006