

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

**DANNY E. BROWN, SYLVESTER
BUTLER, KENNETH CAUDILL, SAMMY
J. DOUSE, WILLIE ENGLISH, SIDNEY
EVERETT, KELVIN FRAZIER, MORRIS
J. GILBERT, JIJUAN T. HAGANS, TROY
D. HALL, BENJAMIN LAFLOWER,
CURT MASSIE, ANTONIO J. MCCLOUD,
LAMAR A. MIFFIN, MICHAEL L.
MONTGOMERY, KUNTA PORTER,
ISSAC SHARPE, SAMUEL STROTHER,
JEREMIAH THOMAS, EUGENE E.
ULRATH, GLENN WHEELER,
REGINALD WILLIAMS,**

Plaintiffs,

-vs-

Case No. 2:03-cv-526-FtM-29DNF

**SECRETARY, DEPARTMENT OF
CORRECTIONS, GERALD H. ABDUL-
WASI, JOSEPH THOMPSON, CHESTER
LAMBIN, JOSEPH PETROVSKY,
WENDELL WHITEHURST,**

Defendants.

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ORDER

This cause came on for consideration on the following motion(s) filed herein:

**MOTION: PLAINTIFFS' MOTION FOR RULE 37 SANCTIONS
AND SECOND MOTION TO COMPEL ANSWERS TO
CLASS ACTION INTERROGATORIES (Doc. No. 112)**

FILED: June 23, 2004

**THEREON it is ORDERED that the Motion for Rule 37 Sanctions is
DENIED, and the Motion to Compel Answers to Class Action Interrogatories
is GRANTED in part.**

On July 26, 2004, a hearing was held on the Motion for Rule 37 Sanctions and Second Motion to Compel Answers to Class Action Interrogatories. The Plaintiffs argued that the Defendants failed to provide answers to Interrogatories 2 through 16 even after being ordered to provide the information by this Court. The Defendants asserted that they offered the raw data to the Plaintiffs, but refused to compile the data to answer these interrogatories. The Court found that as a starting point, the Defendants are to provide the "IG Logs" from the Inspector General's Office which reflect the chemical agent use of force from January 1, 2001, until the date of the hearing. Upon receipt by the Plaintiffs, the Plaintiffs are to review the reports and may submit further discrete interrogatories as to information in other reports that will further answer their propounded interrogatories.

IT IS FURTHER ORDERED:

1) Within thirty (30) days from the date of the hearing, the Defendants shall provide the "IG Logs" from the Inspector General's Office which reflect the chemical agent use of force from January 1, 2001, until the date of the hearing. Should the Defendants need additional time, they may apply to the Court.

2) Defendants' Motion for Expedited Hearing (Doc. 114) is denied as moot.

DONE and **ORDERED** in Chambers in Ft. Myers, Florida this 28th day of July, 2004.

/s/ Douglas N. Frazier
DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Parties