

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATHANIEL ALLEN LINDELL,

Plaintiff,

v.

ORDER

05-C-004-C

CINDY O'DONNELL, SANDRA HAUTAMAKI,
PETER HUIBREGTSE, GERALD BERGE,
SGT. S. GRONDIN, BRIAN KOOL,
C.O. D. ESSER, GARY BOUGHTON,
JOHN SHARPE and KELLY TRUMM,

Defendants.

On December 19, 2005 the state submitted for *in camera* review defendant Dane Esser's personnel file so that the court could determine whether there was any information relevant to plaintiff's claim of excessive force that would be discoverable in this lawsuit.

I have reviewed Officer Esser's personnel file. There is one document that could be perceived as potentially helpful to plaintiff and many documents that would undercut his allegations that Esser has a propensity toward violence.

The state must disclose to plaintiff the August 1, 2002 letter by Warden Berge to Officer Esser, the April 2, 2002 memorandum from Warden Berge to Officer Esser, and Esser's Performance Planning and Development Reports, which consistently rate Officer Esser at or above average in all categories.

In order to ensure continued confidentiality, I am directing that although the institution must make the specified documents available to plaintiff for review, plaintiff shall not make or receive copies of these documents. Instead, plaintiff may take handwritten notes as to the contents of these documents. At trial the state must have available copies of these documents for potential use as exhibits by either side.

Entered this 21st day of December, 2005.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge