

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

GARY B. CAMPBELL,

Plaintiff,

v.

WOOD COUNTY SHERIFF'S DEPUTY
TODD JOHNSON,

Defendant.

MEMORANDUM

04-C-661-C

In an order dated June 28, 2005, Magistrate Judge Stephen Crocker granted in part defendant Todd Johnson's motion requesting disclosure of telephone conversations between plaintiff Gary Campbell and Ashley Pittman that were recorded while plaintiff was held in the Milwaukee County Jail. Judge Crocker allowed defendant to hire an independent investigator to screen the conversations and submit them to the court for an *in camera* determination of portions that might be discoverable. Defendant retained a third party who has screened the conversations and submitted to the court transcripts of those conversations that might be discoverable. After reviewing the transcripts, I have concluded that they are discoverable in their entirety. The relevant question is not whether the transcripts contain

irrelevant material but whether any of the conversations are exempt from discovery. None of the conversations are protected by the attorney-client or work product privileges or otherwise exempt from discovery. Therefore, I will turn over the transcripts to defendant with one caveat: If defendant intends to use the conversations solely for impeachment, he does not need to provide plaintiff with a copy of the transcripts. If defendant intends to use the conversations as substantive evidence, he must provide a copy of the transcripts to plaintiff immediately.

Entered this 31st day of August, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge