

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

-----  
GARY B. CAMPBELL,

Plaintiff,

v.

WOOD COUNTY SHERIFF DEPUTY  
TODD JOHNSON,

Defendant.

-----

ORDER

04-C-0661-C

Defendant Todd Johnson has moved to dismiss this case on the ground that plaintiff has fabricated evidence, committed perjury and obstructed justice. In support of his motion, defendant refers to transcribed telephone conversations between plaintiff and his primary witness, Ashley Pittman. In defendant's view, the transcripts reveal that plaintiff has engaged in misconduct in various ways, such as by instructing Pittman to lie about her relationship with plaintiff and how to match her testimony to plaintiff's and telling her to ignore a subpoena for her deposition.

Although I agree with defendant that the transcribed conversations are cause for concern about plaintiff's actions, I am not prepared to dismiss the lawsuit on the basis of the

transcripts alone. At a minimum, I would schedule this matter for a hearing at which plaintiff could be heard and have an opportunity to explain why the case should not be dismissed for what appears to be abuses of the judicial system. Since the case is ready for trial and a new date has been set, it makes more sense to proceed to trial and determine the facts of plaintiff's actions in that context. Defendant will have the transcripts for his use in cross-examining plaintiff and Pittman; plaintiff will have the opportunity to explain his actions, if he can. If at the end of the trial, I find that plaintiff has abused the system as defendant asserts and the transcripts suggest, I can impose appropriate sanctions on him at that time.

#### ORDER

IT IS ORDERED that defendant Todd Johnson's motion to dismiss this case as a sanction for plaintiff Gary B. Campbell's alleged abuse of the judicial system is DENIED without prejudice to defendant's renewing the motion at trial.

Entered this 9th day of September, 2005.

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