UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RUSSELL ZINTER; ET AL.	§	
	§	
Plaintiffs,	§	
	§	
v.	§	**CIVIL NO. SA-18-CA-680-FB**
	§	
CHIEF JOSEPH SALVAGGIO; ET AL.	§	
	§	
Defendants.	§	

DEFENDANT CITY OF LEON VALLEY'S OBJECTIONS AND RESPONSE TO PLAINTIFFS' FILING OF SUPPLEMENTAL EXHIBITS RELATED TO THE OCTOBER 4, 2018 HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Defendant CITY OF LEON VALLEY ("City") files these Objections and Response to Plaintiffs' Filing of Supplemental Exhibits Related to the October 4, 2018 Hearing on Plaintiffs' Motion for Preliminary Injunction ("Plaintiffs' Supplemental Exhibits") [Dkt. 57] as follows:

I.
BACKGROUND

1. Plaintiffs' Motion for Preliminary Injunction [Dkt. 46] was heard on October 4, 2018. At said hearing, Plaintiffs' counsel introduced certain portions of Leon Valley Police Department body camera videos identified as 1176@201806141352260 and 1056@201806181341390 (attached respectively as Exhibits D and E in Plaintiffs' Supplemental Exhibits) into evidence to support Plaintiffs' request for preliminary injunction. On October 8, 2018, Defendant received notice and a copy Plaintiffs' electronic filing of its motion regarding Supplemental Exhibits, which referenced body camera videos marked as Exhibits C, D, and E, and received on a DVD by Defendant's counsel via regular mail on October 12, 2018. Both of Defendant's counsels

were out of town and did not have an opportunity to review Plaintiffs' Exhibits until October 15, 2018.

II.
OBJECTIONS AND RESPONSE

2. Defendant objects to Plaintiffs' Supplemental Exhibits because Plaintiffs failed to comply with Local Rule CV-7 (b) by not filing a motion for leave to file supplemental exhibits. In addition, Plaintiffs' motion did not comply with the form and content of the pleading requirements for a motion for leave as mandated by CV-7.

3. Defendant objects to Plaintiffs' Supplemental Exhibits because Plaintiffs' counsel did not comply with Local Rule CV-7 (i) and did not confer with Defendant's counsel to obtain agreement or opposition prior to the filing of Plaintiffs' Supplemental Exhibits or Plaintiffs' Motion for leave to file supplemental exhibits.

4. Defendant objects to the supplemental submission of Plaintiffs' Exhibit C because the body camera video depicts the inventory of personal items in a vehicle of a non-party to this case, Bao-Quoc Ngyuen, as indicated by Detective Brooks at the end of the video. The video is not relevant and has no critical value in the determination in the ruling of Plaintiffs' Motion for Preliminary Injunction. The Court should not allow Plaintiffs to supplement the evidence in its Motion for Preliminary Injunction with Exhibit C.

5. Defendant further objects to Plaintiffs' Supplemental Exhibits D and E, because when Defendant obtained the Magistrate's approval to submit its body camera video exhibit after the October 4, 2018 hearing, since there was no immediate method to provide a copy to the court, Plaintiffs' counsel specified that the submission should be limited to the portion shown to the court as referenced by the time sequence indicator shown on the video. Defendant's counsel agreed and said submission was made on October 8, 2018 with identification number of the

video and evidence limited to the recording time sequence from 00:00 to 01:51 [Dkt. 56]. However, Plaintiffs' submission of Exhibits D and E do not identify the time sequence of the video portions shown to the court. Defendants object to the remainder of the video in Exhibits D and E that were not introduced by Plaintiffs and were not shown to the court. Defendant requests that the court hold Plaintiffs to the same standard as Defendant in identifying the time sequence of the video used as evidenced as requested by Plaintiffs' counsel at the October 4, 2018 hearing.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant CITY OF LEON VALLEY, prays that this Court deny Plaintiffs' Supplemental Exhibits because Plaintiffs' motion is not in compliance with Local Rule CV-7; in the alternative, the Court deny Exhibit C in its entirety as a supplement exhibit in Plaintiffs' Motion for Preliminary Injunction for the reasons cited above; in the alternative, the Court limit the video in Exhibits D and E to the time sequence shown to the Court by Plaintiffs' counsel; and such other and further relief, at law or in equity, general or special, to which Defendant may be justly entitled.

SIGNED this 16th day of October, 2018.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served upon the below named individual(s) as indicated below according to the Federal Rules of Civil Procedure on the 16th day of October, 2018.

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