

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**EVA ROBINSON and  
RON ROBINSON**

**PLAINTIFFS**

**v.**

**CASE NO. 4:12CV00577 BSM**

**STEVEN PAYTON, *et al.***

**DEFENDANTS**

**ORDER**

Plaintiffs' motions for sanctions [Doc. Nos. 70, 83] are granted as to their request for attorney's fees and costs and denied as to their request for modification of the jury instructions. On February 27, 2014, defendant Pope County was ordered to explain why it should not be held in contempt for producing a Rule 30(b)(6) witness who was unable to answer questions presented to him. In response, Pope County submitted an unsworn letter from the deponent addressing some of the questions presented to him. He, however, failed to address a number of areas of inquiry. Consequently, it is hereby found that:

1. Plaintiffs have requested, in discovery, documents and explanations concerning claims of taser malfunction, taser service, taser replacement, taser repair; and taser payments subsequent to the September 13, 2011, incident.
2. Despite being requested, Pope County has neither:
  - a. produced any records to or from Taser International from the date of the September 13, 2011, incident through January 2012;
  - b. produced documents evidencing taser malfunction after September 13, 2011;

c. produced documents showing that a taser was sent to Taser International for repair or service from September 13, 2011, through January 2012;

d. produced documents verifying its representations that a taser was sent to Taser International for repair on December 7, 2011; nor

e. produced documents verifying that Sargent Ben Cross sent tasers to Taser International for further review after Jamie Jackson synced the tasers on January 5 and 6, 2012.

3. Pope County has not provided an explanation for its failure to maintain and provide the above documents or information.

Plaintiffs have fourteen days to submit a petition setting forth the fees and costs expended in drafting their motions.

IT IS SO ORDERED this 21st day of April 2014.

  
UNITED STATES DISTRICT JUDGE