

**Jill E. Clark**

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**From:** Jackie\_Phipps@mnd.uscourts.gov on behalf of Keyes\_Chambers@mnd.uscourts.gov  
**Sent:** Wednesday, May 20, 2009 2:03 PM  
**To:** Jill E. Clark; sara.lathrop@ci.minneapolis.mn.us; jbead@lkslaw.com; jborger@faegre.com; lwalker@faegre.com; msullivan@lkslaw.com  
**Subject:** 08cv5296 Stepnes et al v. Ritschel et al.

I have reviewed your letters concerning the "original video footage." There has been no showing made that there is any necessity for the Court to conduct a telephone hearing at this time. The parties are not precluded from filing a formal motion, following the requirements of briefing and notice required by the Local Rules.

It should be noted, however, that if there is a failure on the part of either party to comply with the letter and spirit of the discovery rules, the Court will not hesitate to award appropriate sanctions. This includes any situation in which a party's failure to cooperate in discovery leads to duplicative discovery and unnecessary expense.

U.S. Magistrate Judge Jeffrey J. Keyes  
U.S. District Court - Minnesota  
646 Warren E. Burger Federal Courthouse  
316 North Robert Street  
St. Paul, MN 55101  
Phone: 651/848-1180

Exhibit 45