

9002017-1004686
BMS/tp

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION

Benjamin Mann,)	
)	
Plaintiff,)	
)	
v.)	No.: 17-cv-2300
)	
City of Urbana Police Officers Jennifer Difanis,)	
Colby G. Wright, Sara M. Links, Seth R. King,)	
Jay Loschen, Chad Burnett, Don C. McClellan,)	
Adam Marcotte, John Franquemont, Sgt. Zach)	
Makalik, and as yet Unknown Officers, the City of)	
Urbana, a municipal corporation, and University of)	
Illinois Police Officer Chris Elston,)	
)	
Defendants.)	

DEFENDANTS' EXPERT DISCLOSURES

NOW COME the Defendants, JENNIFER DIFANIS, COLBY G. WRIGHT, SARAH M. LINKS, SETH R. KING, JAY LOSCHEN, CHAD BURNETT, DON C. MCCLELLAN, ADAM MARCOTTE, JOHN FRANQUEMONT, ZACH MIKALIK, THE CITY OF URBANA, A MUNICIPAL CORPORATION, AND CHRIS ELSTON, by Brian M. Smith of Heyl, Royster, Voelker & Allen, P.C., their attorneys, and pursuant to 26(a)(2) of the Federal Rules of Civil Procedure, hereby provide disclosures of the following witnesses who may be used at trial to present evidence under the Federal Rules of Evidence, 702, 703, and/or 705:

Rule 26(a)(2)(B)
Witnesses Who Must Provide A Written Report

(B) *Witnesses Who Must Provide a Written Report.* Unless otherwise stipulated or ordered by the court, this disclosure must be accompanied by a written report—prepared and signed by the witness—if the witness is one retained or specially employed to provide

expert testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony. The report must contain:

- (i) a complete statement of all opinions the witness will express and the basis and reasons for them;
- (ii) the facts or data considered by the witness in forming them;
- (iii) any exhibits that will be used to summarize or support them;
- (iv) the witness's qualifications, including a list of all publications authored in the previous 10 years;
- (v) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and
- (vi) a statement of the compensation to be paid for the study and testimony in the case

1. **Jon Blum**
c/o Brian M. Smith
Heyl, Royster, Voelker & Allen

See attached report.

Rule 26(a)(2)(C)

Witnesses Who Do Not Provide A Written Report

(C) *Witnesses Who Do Not Provide a Written Report.* Unless otherwise stipulated or ordered by the court, if the witness is not required to provide a written report, this disclosure must state:

- (i) the subject matter on which the witness is expected to present evidence under Federal Rule of Evidence 702, 703, or 705; and
- (ii) a summary of the facts and opinions to which the witness is expected to testify.

1. **Sgt. Jay M. Loschen**
c/o Brian Smith
Heyl, Royster, Voelker & Allen

Sgt. Loschen is a Sergeant with the Urbana Police Department. He is expected to testify regarding the duties of sergeants and officers at the Urbana Police Department. It is anticipated that Sgt. Loschen will further testify about his knowledge and information regarding relevant policies, practices, and procedures of the Urbana Police Department. Sgt. Loschen is trained in control tactics and is an instruction on the subject. It is

anticipated that he will testify regarding the use of force, use of force training, and the use of force continuum.

It is further anticipated that Sgt. Loschen will testify regarding the incidents of March 19, 2017. It is anticipated that Sgt. Loschen will testify that he observed Officer King and Officer Wright attempting to arrest Mr. Mann; however, Mr. Mann was moving his hands towards his waistband and tried to pull away. It is anticipated that Sgt. Loschen will further testify that Mr. Mann was taken to the ground by Officer King as a result of Mr. Mann's resisting arrest. It is anticipated that Sgt. Loschen will testify that based on his training, experience and observations at the scene, Officer King's use of force to stop Mr. Mann's resistance was objectively reasonable under the circumstances. It is further anticipated that Sgt. Loschen will testify consistently with his deposition testimony.

Defendants reserve the right to use any expert witnesses identified by Plaintiff through discovery, pleadings, and other filings in this matter. Likewise, Defendants reserve the right to not call any witness disclosed by any party.

Jennifer Difanis, Colby G. Wright, Sarah M. Links, Seth R. King, Jay Loschen, Chad Burnett, Don C. McClellan, Adam Marcotte, John Franquemont, Zach Mikalik, the City of Urbana, a municipal corporation, and Chris Elston, Defendants

BY: 

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