

TRULINCS 07405510 - LYNCH, JASON M - Unit: ERE-D-A

* This is meant to be *
be a notice/motion to
preserve, not the discovery
request

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS

CENTRAL DIVISION

JASON MATTHEW LYNCH
Plaintiff

v. No. 4:24-cv-00740-LPR-BBM

TURN KEY HEALTH CLINICS, LLC, et al.
Defendants

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

FEB 26 2026

TAMM H. DOWNS, CLERK
By:  DEP CLERK

I. RULE 37 MOTION FOR PRESERVATION AND SANCTIONS (PRE-SPOLIATION NOTICE)

Plaintiff moves under Fed. R. Civ. P. 37(e) for entry of an order requiring preservation of electronically stored information and warning Defendants that failure to preserve will warrant sanctions.

A. Legal Standard

Under Rule 37(e), if ESI that should have been preserved is lost because a party failed to take reasonable steps, the Court may:

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Order curative measures

Instruct the jury it may presume the evidence was unfavorable

Dismiss claims or enter default judgment (if intent to deprive is shown)

See also:

Stevenson v. Union Pac. R.R., 354 F.3d 739 (8th Cir. 2004)

Silvestri v. GM Corp., 271 F.3d 583 (4th Cir. 2001)

The duty to preserve arises when litigation is reasonably anticipated.

Here, over 100 grievances were filed. Litigation was clearly foreseeable..

B. Evidence at Risk

Plaintiff seeks preservation of:

1. Smart Communications digital requests and replies
- 2.. Jail pod camera footage
3. Body cam recordings
4. Medication administration records
5. Electronic medical records
6. Internal emails and communications referencing Plaintiff
7. Incident reports
8. Audit logs of medication dispensing

Plaintiff requests a court-ordered preservation directive to prevent destruction or overwriting.

II. MOTION TO COMPEL DISCOVERY (FED. R. CIV. P. 37(a))

Plaintiff moves to compel production of the following initial discovery categories:

A. Documents

1. All policies regarding chronic care inmates

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2. All policies regarding crushing medication
3. All manufacturer guidance relied upon
4. All communications referencing Plaintiff
5. All grievance responses
6. Medication inventory logs
7. Incident reports regarding missing medications
8. All contracts between Turn Key and White County
9. All disciplinary records for Watts and Smith

B. Video & Electronic Data

1. Pod camera footage (June Sept 2024)
2. Body cam footage of medication refusals
3. Smart Communications export logs

C. Legal Basis

Rule 26(b)(1) allows discovery of any nonprivileged matter relevant to claims.

Defendants cannot simultaneously deny allegations and withhold records necessary to test those denials.

Failure to produce warrants compelled production and cost shifting.

III. MOTION FOR PRELIMINARY INJUNCTION (IF HARM CONTINUES)

If medication interference or retaliation continues, Plaintiff moves for injunctive relief.

Legal Standard

A preliminary injunction requires:

1. Likelihood of success

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2. Irreparable harm

3. Balance of harms

4. Public interest

Dataphase Systems v. CL Systems, 640 F.2d 109 (8th Cir. 1981).

Application

Likelihood of success: Deliberate indifference well pled.

Irreparable harm: HIV medication interruption risks permanent immune damage.

Balance: Protecting medical care outweighs administrative inconvenience..

Public interest: Constitutional compliance.

Requested injunction:

Prohibit crushing of HIV medication

Require compliance with physician orders

Require independent medical review

Prohibit retaliation

IV. EXPANDED DAMAGES & LIFE EXPECTANCY HARM

Improper administration of antiretroviral therapy risks:

Viral resistance

CD4 decline

Immune suppression

Opportunistic infections

Reduced life expectancy

Deliberate interference with HIV treatment has been recognized as constitutionally actionable harm. *Estelle v. Gamble*, supra.

Punitive damages are appropriate where conduct shows reckless indifference. *Smith v. Wade*, 461 U.S. 30 (1983).

Plaintiff seeks:

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Compensatory damages

Future medical monitoring

Emotional distress damages

Loss of life expectancy damages

Punitive damages
