

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FORT LAUDERDALE DIVISION

CASE NO. 16-cv-61511-WJZ

CAROL WILDING, *et al.*, individually,
and on behalf of all those similarly
situated,

Plaintiffs,

vs.

DNC SERVICES CORPORATION, d/b/a
DEMOCRATIC NATIONAL
COMMITTEE, and DEBORAH
“DEBBIE” WASSERMAN SCHULTZ,

Defendants.

NOTICE OF FILING WITNESS LIST FOR AUGUST 23, 2016
EVIDENTIARY HEARING

Plaintiffs respectfully provide notice of the following witness list regarding the August 23, 2016 Evidentiary Hearing set by this Court [Dkt. No. 25]:

Plaintiff Witness Number	Identity	Summary of Anticipated Testimony	Defendants' Position	Plaintiffs' Response
Pls.' First Witness	Mr. Ricardo Villalba	Mr. Villalba videotaped and audiotaped the service of process event, and live-streamed it on Facebook. Mr. Villalba will likely provide testimony regarding, <i>inter alia</i> , (a) the statements made by and to Ms. Rebecca Herries during the service of process event, (b) the statements made by and to Defendants' security guards in the lobby prior to Ms. Herries' arrival, (c) identifying Mr. Herries on the video/audio footage and the still pictures as being the same person as appears on Facebook and LinkedIn pages bearing the same name, Ms. Rebecca Herries, and (d) regarding, Plaintiffs' Exhibit 7, (May 11, 2016 email from Rebecca Herries to HQStaff_D@dnc.org, Intern_D@dnc.org , Titled: "May All Staff Meeting Today at 2:30pm in the Wasserman Conference Room")	Defendants do not object as a general matter to the presentation of testimony from Mr. Villalba, but reserve all rights to make any and all appropriate specific objections to his testimony.	Plaintiffs reserve all rights to make appropriate responses to Defendants' objections when known.
Pls.' Second Witness	Ms. Carol Wilding	Ms. Wilding is one of the lead plaintiffs in this case. Ms. Wilding watched the service of process event while it was being live-streamed on Facebook. Ms. Wilding will likely provide testimony regarding, <i>inter alia</i> , (a) the statements made by and to Ms. Rebecca Herries during the service of process event, (b) the statements made by and to Defendants' security guards in the lobby prior to Ms. Herries' arrival, and, (c) identifying Mr. Herries on the	Based on Plaintiffs' summary of Ms. Wilding's anticipated testimony, Defendants object to the presentation of testimony from this witness on the ground that	Ms. Wilding will testify, <i>inter alia</i> , that she viewed the videos live as they were being streamed on Facebook, in real time, and not consecutively at a later time

		<p>video/audio footage and the still pictures as being the same person as appears on Facebook and Linked-in pages bearing the same name, Ms. Rebecca Herries.</p>	<p>she has no personal knowledge of the attempt at service aside from her viewing of the attempt on Facebook livestream. Her testimony is thus not only highly likely to consist of largely inadmissible hearsay, it is cumulative, irrelevant, and inadmissible lay witness testimony that invades the province of the fact finder, which can just as easily watch the pertinent parts of the same recording that Ms. Wilding watched – and which Plaintiffs list on their exhibit list – and draw its own conclusions.</p>	<p>on YouTube. Plaintiffs therefore disagree that her testimony constitutes hearsay, cumulative, irrelevant, or inadmissible. She is the only witness that can testify to the videos as they were being livestreamed, as Mr. Ricardo’s point of view was different from the eye of the camera.</p>
<p>Pls.’ Third Witness</p>	<p>Ms. Rebecca Herries</p>	<p>If made available, Plaintiffs would elicit testimony from Ms. Herries regarding, <i>inter alia</i>, (a) the inconsistency of her sworn testimony</p>	<p>Defendants will rely on the sworn declaration of</p>	<p>Plaintiffs believe that Ms. Herries should be</p>

		<p>to that which appears on the video/audio footage, (b) the circumstances before and after the service of process event, and, (c) Plaintiffs' Exhibit 7, (May 11, 2016 email from Rebecca Herries to HQStaff_D@dnc.org, Intern_D@dnc.org, Titled: "May All Staff Meeting Today at 2:30pm in the Wasserman Conference Room")</p>	<p>Ms. Herries previously filed with this Court and the filming of the service attempt captured in the YouTube video and Facebook livestream footage upon which Plaintiffs rely and do not intend to bring witnesses to testify at the hearing about the events described and captured in the same. Defendants reserve the right to introduce other evidence pending receipt of copies of the evidence upon which Plaintiffs intend to rely.</p>	<p>made available to testify at this Court's evidentiary hearing, given the prominence of Ms. Herries' testimony on the pending issues. Ms. Herries' declaration is hearsay and Plaintiffs have moved <i>in limine</i> to strike the declaration.</p>
<p>Pls.' Other Witness</p>	<p>DNC Security Guards Doe #1 et al.</p>	<p>If made available, Plaintiffs would elicit testimony from the DNC security guards Doe #1 <i>et al</i> regarding, <i>inter alia</i>, (a) the inconsistency of Ms. Herries' sworn testimony to that which appears on the video/audio footage, and (b) the circumstances before and after the service of process event</p>	<p>Defendants will rely on the sworn declaration of Ms. Herries previously filed with this Court and the filming of the service attempt</p>	<p>Plaintiffs believe that DNC security guards Doe #1 et al should be made available to testify at this</p>

			<p>captured in the YouTube video and Facebook livestream footage upon which Plaintiffs rely and do not intend to bring witnesses to testify at the hearing about the events described and captured in the same. Defendants reserve the right to introduce other evidence pending receipt of copies of the evidence upon which Plaintiffs intend to rely.</p>	<p>Court's evidentiary hearing, given that the security guards witnessed the service of process event.</p> <p>Ms. Herries' declaration is hearsay and Plaintiffs will move <i>in limine</i> to strike the declaration</p>
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Defendants do not have witnesses for the hearing.

Plaintiffs reserve the right to amend this list.

~signature page follows~

DATED: August 19, 2016

/s/ Cullin O'Brien

By: Cullin O'Brien

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Counsel for Plaintiffs and the Proposed Classes

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing instrument was e-filed with the Clerk of the Court using CM/ECF, this 19th day of August 2016.

By: /s/ Cullin O'Brien
CULLIN O'BRIEN