



Case No. 1:14-cv-02612  
Gwin, J.

11, 2015. In that order, this Court advised the Plaintiffs to file a motion to compel on the docket if they believe they are entitled to documents which they have not yet received.<sup>4/</sup>

On August 25, 2015, Plaintiffs filed a motion to compel discovery.<sup>4/</sup> In that motion, Plaintiffs state that they have not received the ordered documents. On September 8, 2015, Plaintiffs filed a response.<sup>5/</sup>

## II. Analysis

First, Plaintiffs contend that Defendants have failed to provide change in duty documentation for 35 officers. In their response, Defendants admit that “change in duty assignment information remains missing for roughly 41 officers.”<sup>6/</sup> Defendants explain that these documents cannot be located “either because Division of Police Record Retention Policies have destroyed the information or simply because they do not exist.”<sup>7/</sup>

Second, Plaintiffs say that Defendants have not produced any gym sign in sheet or daily report.<sup>8/</sup> However, in their response, Defendants state that on September 3, 2015, they turned over Daily Duty Assignment information from the policy gymnasium for the dates between 2008-2012<sup>9/</sup>.

Defendants state that Daily Duty Assignment and Daily Duty Reports are retained for only three years.<sup>10/</sup> Because the City’s document retention plan only keeps documents for three years, the Daily Duty Reports are not available for the longer time period ordered by the court.

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<sup>4/</sup>Doc. [45](#).

<sup>4/</sup>Doc. [46](#).

<sup>5/</sup>Doc. [47](#).

<sup>6/</sup>Id..

<sup>7/</sup>Id.

<sup>8/</sup>Doc. [46](#).

<sup>9/</sup>Doc. [47](#).

<sup>10/</sup>Id.

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Further, Defendants state in their response that they will be providing Plaintiffs with Officer Information Sheets, Officer Personnel Cards, and additional Administrative Duty Memos by the end of this week.<sup>11/</sup>

Finally, Plaintiffs state that payroll records would assist them in determining when officers were assigned to the “gym.” Defendants do not offer any explanation as to why the payroll records have not been produced.

#### IV. Conclusion

Based on Defendants’ representation to this Court that documents responsive to this request either do not exist or have already been produced to Plaintiffs, the motion to compel discovery is **PARTIALLY GRANTED** only as to the payroll record .

IT IS SO ORDERED.

Dated: September 10 2015

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>11/</sup>Id.