

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 16-1261-KK** Date August 21, 2017

Title ***Randy Conan, et al. v. City of Fontana, et al.***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES MAGISTRATE JUDGE**

DEB TAYLOR

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: Order Re: *In Camera* Review

On June 7, 2017, Plaintiffs Randy and Xylina Conan (“Plaintiffs”) filed a Motion to Compel (“Motion”) and a Joint Stipulation seeking to compel production of documents from Defendant City of Fontana (“Defendant”) in response to Requests for Production Nos. 1 through 4. ECF Docket No. (“dkt.”) 67. Specifically, Plaintiffs sought to compel (1) complaints or reports of the use of excessive force or dishonesty from the personnel files of Defendant Patty (“Request for Production No. 1”); (2) Internal Affairs investigations and reports related to allegations of excessive force and dishonesty involving Defendant Patty (“Request for Production No. 2”); (3) civil or departmental complaints or grievances alleging use of excessive force by Defendant Patty (“Request for Production No. 3”); and (4) Internal Affairs investigations and reports, and civil and departmental complaints or grievances arising from or involving claims of excessive force of any other City of Fontana police officer for ten years prior to the filing of the instant action and documentation of the disposition of such complaints or grievances (“Request for Production No. 4”). JS at 11, 35, 56, 76.

On July 5, 2017, the Court granted Plaintiffs’ Motion in part and denied it in part. Dkt. 70. The Court ordered Defendant City of Fontana to lodge redacted and unredacted copies of all responsive documents for five years prior to the filing of the instant action for *in camera* review before production. Id.

On July 12, 2017, Defendant lodged the responsive documents with the Court. The Court notes the majority of the Internal Affairs Investigations contain CDs which Defendant is not able to redact. The CDs contain audio and video recordings, the contents of which are

generally described in the investigation reports. Defendant produced two investigations in response to Requests for Production Nos. 1-3, and twenty-eight investigations and claims in response to Request for Production No. 4.

After review of the documents provided and the proposed redactions, the Court
ORDERS AS FOLLOWS:

Within seven (7) days of the date of this Order, Defendant shall produce the redacted copies of the responsive documents to Plaintiffs' counsel subject to the parties' protective order. Defendant need not produce the CDs at this time. In the event, Plaintiffs can show the CDs are likely to contain relevant information, they may make an appropriate motion **within fourteen (14) days** of the date of this Order. In the event redaction of the CDs would be necessary, the Court is amenable to appropriate arguments regarding shifting the cost of producing the CDs in redacted form.

In addition, Defendant shall review the proposed redactions before production to Plaintiffs' counsel to ensure consistent redactions.¹

¹ For example, in some documents officers' names were properly redacted in one place, but remained visible in another.