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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 TERRY HILLBLOM, SANDRA
12 HILLBLOM, and MICHAEL L.,
13 a minor, by and through his
14 guardians ad litem, TERRY
15 and SANDRA HILLBLOM,

16 Plaintiffs,

17 vs.

18 COUNTY OF FRESNO; former
19 FRESNO COUNTY SHERIFF RICHARD
20 PIERCE; FRESNO COUNTY DEPUTY
21 SHERIFF ROBERT CAREY; FRESNO
22 COUNTY SHERIFF'S SERGEANTS
23 KATHY CARREIRO and E.
24 BROUGHTON, et al.,

25 Defendants.
26 _____/

1:07-cv-01467-LJO-SMS

**ORDER FOLLOWING IN
CAMERA REVIEW OF CD
RE: IA INVESTIGATION
OF PERSONAL DOMESTIC
MATTER RE: DEFENDANT
DEPUTY ROBERT CAREY**

27 In summary, while conducting an *in camera* review of
28 personnel files and internal investigations regarding the
29 Defendants named in this law suit, it became apparent that there
30 was no paper copy of an investigation regarding a personal
31 domestic matter involving Defendant Deputy Robert Carey.
32 Plaintiff's counsel Patience Milrod and/or Sara Hedgpeth-Harris
33 related their knowledge of the incident during the meet-and-

1 confer held in this Judge's chambers on January 27, 2010.
2 Directing Defendants' counsel, Michael R. Linden, to make further
3 inquiry of the Sheriff's Department, a brief email from Attorney
4 Linden to Judicial Assistant Frances Robles explained that
5 "...the paper (hard) copy of the file no longer exists, but
6 documents are saved on CD." On February 1, 2010 the CD was
7 delivered to chambers.

8 The delay in reviewing the CD was due, in part, to the
9 difficulty the Court had in finding a computer program to
10 accommodate the reading of the contents of the CD. That review
11 has now been completed, the undersigned having read each and
12 every document contained on the CD regarding this domestic
13 dispute. The portions of the investigation deemed discoverable
14 have been copied from the CD and will be mailed directly to all
15 counsel. The contents of the CD determined not to be
16 discoverable are the detailed and somewhat lengthy interviews of
17 the minor victim, his minor siblings, wife of Detective Carey and
18 the victim's mother, and Deputy Carey's testimony of the
19 incident. The now over eight year old details of the domestic
20 incident in which the 16-year old sustained a cut lip arguably
21 are not determined to be relevant for the purpose of establishing
22 a *Monell* claim. See Monell v. Dept. of Soc. Serv., 436 U.S. 658,
23 691 (1978). That the internal investigation resulted in a
24 finding that the allegation of a violation of the law was
25 sustained (California Penal Code § 273d (a)) as well as a
26 violation of policy and procedure section 600.I.VV - General
27 Behavior is sufficient.

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1 The production of the documents as herein set forth are
2 ORDERED protected pursuant to the letter and spirit of the Fifth
3 Stipulated Protective Order (Doc. 82).

4 Counsel for Defendants are DIRECTED to arrange with Judicial
5 assistant Frances Robles (499-5690) to retrieve the CD from the
6 undersigned's chambers as soon as possible or certainly within
7 ten (10) days for the date of service of this order.

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10 IT IS SO ORDERED.

11 **Dated: June 21, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE