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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

VICTORIA YOUNGBLOOD,	)	Case No.: 1:12-cv-01150 AWI JLT
	)	
Plaintiff,	)	ORDER RE: DISCOVERY DISPUTE
v.	)	
	)	
CITY OF BAKERSFIELD, et al.,	)	
	)	
Defendants.	)	
_____	)	

On June 10, 2012, the Court held an informal telephone conference regarding a discovery dispute that was underway. (Doc. 26) As a result of the conference, many of the issues were resolved or clarified as follows:

1. Requests No. 2, 3, 22 and 43 had been fully addressed by Defendants though Defendants should amend their responses, as necessary, to indicate all documents have been provided or no responsive documents exist.
2. As to Request No. 7, Defendants have provided all information related to any bites by K-9 Bronx. Plaintiff may file a motion to compel information related to all bites by all K-9s owned by the BPD for the past 10 years but the Court strongly encourages her to reconsider this request. The summary of the request seems to indicate that it is significantly overbroad in terms of scope and time and is not likely to seek relevant information, as currently worded.

1           3.       Defendants have provided the deployment log for K-9 Bronx in response to Request  
2 No. 24. They have not done so as to the other K-9s. However, the log for Bronx does not provide  
3 any information about the circumstances of the deployments such that Plaintiff can determine  
4 whether there is evidence of an unlawful custom related to the dog's deployment. Thus, Plaintiff  
5 seeks the narrative report from Officer Dalton related to each of these approximate 600  
6 deployments. Defendants argue that production of these reports would be overly burdensome and  
7 they are irrelevant.

8           Once again Plaintiff may file a motion to compel information related to all deployments of  
9 Bronx and the other K-9s but the Court strongly encourages her to consider propounding a request  
10 which is better tailored to the relevant circumstances of this case. The summary of the request  
11 here as currently worded, seems to indicate that the request is significantly overbroad is likely to  
12 seek irrelevant information.

13           4.       Request No. 25 seeks information related to the K-9 training received by the  
14 supervisors in the K-9 unit. Defendants agreed they would produce these documents. Defendants  
15 SHALL do so no later than June 21, 2012;

16           5.       In Request No. 37, Plaintiff seeks any law enforcement reports which demonstrate  
17 that Thomas Thoms has "violently resisted law enforcement officers" before the search warrant  
18 executed in this case. Plaintiff's counsel believed that there is a report prepared in relation to the  
19 search of Plaintiff's home which indicates that there were earlier law enforcement reports which  
20 address this topic. As soon as possible, but no later than June 21, 2012, Plaintiff's counsel SHALL  
21 provide to counsel for Defendants the report which reflects that this earlier report(s) exists so that  
22 Defendants can investigate;

23           6.       In Request No. 38, Plaintiff seeks the recorded statements of the witnesses to the  
24 search of her home. Defense counsel admits that the statements were audio recorded but that the  
25 tapes cannot be located. No later than June 21, 2012, defense counsel SHALL ensure a diligent  
26 search has occurred to locate these tapes and the results of the search are communicated to  
27 Plaintiff's counsel. Defense counsel SHALL investigate the custom/policy of the BPD as to the  
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1 use/re-use/destruction of audio tapes used in the field of witnesses to record statements as a  
2 starting point for this diligent search;

3 7. In Request No. 39, Plaintiff seeks the CJIS printout of all arrests and convictions for  
4 Thomas Thoms. Defendants have produced a “probation summary” report but this fails to provide  
5 the requested information. No later than June 21, 2012, Defendants SHALL produce the requested  
6 information which demonstrates the arrests and convictions for this individual;

7 8. Requests No. 40 and 41 seek information about a DOJ investigation of the BPD  
8 which occurred between 8 and 10 years ago as it pertains to the K-9 unit. The parties agree the  
9 DOJ investigation did not focus on the K-9 unit. Moreover, Defendants assert that the report itself  
10 is available on the internet which is equally available to Plaintiff and is irrelevant based upon its  
11 remoteness in time. Plaintiff admitted that she was seeking the BPD’s policy changes or other  
12 changes made in response to the DOJ investigation. However, it does not appear that these  
13 requests specifically seek this information. Thus, Plaintiff may file a motion to compel  
14 information related to DOJ investigation/recommendation related to the K-9 unit but the Court  
15 strongly encourages her to consider propounding a different request which is narrowly tailored to  
16 the information sought. Finally, at this time, the Court cannot state unequivocally the information  
17 is not relevant but any motion on this topic would be required to demonstrate how the information  
18 sought is relevant;

19 9. As to Request No. 46, Defendants have produced six CDs of the dispatches for the  
20 events occurring during the relevant time period. Notably, these CDs include police incidents  
21 other than the one involving Plaintiff. In addition, Defendants have provided a written dispatch  
22 log which includes only the incident involving Plaintiff. Plaintiff complains that the written log  
23 does not assist with the six CDs because they do not correlate. Thus, Defendants agreed to seek  
24 out a CD which includes only the entries related to the search warrant at her house. Failing this,  
25 they will produce a dispatch log for which covers the same period of time as the six CDs.  
26 Defendants SHALL produce this information no later than June 21, 2013;

27 10. Plaintiff complains that counsel improperly instructed Officer Hilliard not to answer  
28 certain questions at his deposition. However, the Court cannot properly evaluate the objections

1 without specific citations to the transcript. Thus, should Plaintiff wish to pursue having Officer  
2 Hilliard submit to a deposition to address the questions he did not answer upon advice of counsel,  
3 she may file a motion to compel. In the meanwhile, all counsel are urged to cooperate with each  
4 other and to instruct their witnesses not to answer *only* consistently with the rules. Fed. R. Civ. P.  
5 30(c)(2) [“A person may instruct a deponent not to answer only when necessary to preserve a  
6 privilege, to enforce a limitation ordered by the court, or to present a motion under Rule  
7 30(d)(3).”].

8 **ORDER**

9 Based upon the foregoing, the Court **ORDERS**:

10 1. Any further or amended responses or actions, as described above, **SHALL** be  
11 provided no later than June 21, 2012.

12  
13 IT IS SO ORDERED.

14 Dated: June 12, 2013

/s/ Jennifer L. Thurston  
15 UNITED STATES MAGISTRATE JUDGE  
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