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

STEVEN R. EDWARDS,  
Plaintiff,  
v.  
A. DESFOSSES, et al.,  
Defendants.

Case No. 1:13-cv-01013-SAB-PC  
ORDER DENYING PLAINTIFF’S MOTION  
FOR FURTHER DISCLOSURE  
(ECF NO. 54)

On January 15, 2016, Plaintiff filed a motion titled as a “motion seeking full disclosure of Dr. Ugwueze, name, background, disciplinary history with inmates, medical board, sues [sic] and judgements [sic] render [sic] against him or her.” On January 27, 2015, Defendants filed opposition to the motion. (ECF No. 60.)

On January 4, 2016, Plaintiff received the disclosure of expert witnesses from defense counsel. Plaintiff contends that he was not allowed to obtain the full name of the expert, as well as other information Plaintiff needs to prepare for trial. Plaintiff seeks disclosure of the expert’s background, grievances filed against expert by other inmates, and the history of any lawsuits filed against the expert by other inmates. Plaintiff’s motion implies that Defendants have failed to comply with the disclosure requirements of Federal Rule of Civil Procedure 26(a)(2)(B).

1 Defendants support their opposition with Exhibit A, the expert disclosure served on  
2 Plaintiff. Defendants disclosed to Plaintiff that they have designated Dr. Ugwueze as an  
3 unretained expert from whom they may elicit expert medical opinion. (Ex. A.) Defendants  
4 further provided that Dr. Ugwueze is the Chief Medical Executive at California Substance Abuse  
5 Treatment Facility at Corcoran (SATF). (Id.) Defendants provided a summary of facts and  
6 opinions to which Dr. Ugwueze is expected to testify. (Id.) Federal Rule 26(a)(2)(B) provides  
7 that a written report must be provided which includes “a complete statement of all opinions the  
8 witness will express and the basis and reasons for them, the facts or data that will be used to  
9 summarize or support them, any exhibits that will be used to summarize or support them, the  
10 witness’s qualifications, including a list of all publications authored in the previous 10 years, a  
11 list of all other cases in the last 4 years that the witness testified in as an expert, and a  
12 statement of compensation to be paid.” However, Rule 26(a)(2)(B) specifically excludes  
13 unretained experts.

14 As stated in Defendants’ disclosure of expert witnesses, Dr. Ugwueze is an unretained  
15 expert. The disclosure also provides that Dr. Ugwueze is employed as the Chief Medical  
16 Executive at SATF. As indicated by his address of record, Plaintiff is presently incarcerated at  
17 SATF, and should know that SATF is a California state prison and that Dr. Ugwueze is  
18 employed by the CDCR. As an unretained expert, Dr. Ugwueze is specifically exempt from  
19 providing a written report with his disclosure.

20 Defendants correctly argue that they have complied with the requirement of Rule  
21 26(a)(2)(C), entitled “Witnesses Who Do Not Provide a Written Report.” Specifically,  
22 Defendants stated the subject matter on which the witness is expected to present evidence and  
23 provided a summary of the facts and opinions to which the witness is expected to testify. (Ex.  
24 A.) That is all Defendants were required to do.

25 Defendants’ argue that Plaintiff seeks information that is objectionable. Specifically,  
26 Plaintiff seeks “disciplinary history with inmates, and medical board, as well as sues [sic] and  
27 judgements [sic] render [sic] against him or her.” (ECF No. 54 at 3.) Rule 26 does not require  
28 such disclosures. Defendants correctly argue that these requests seek impermissible character

