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

DANNY BROWN,)	Case No.: 1:14-cv-01812 JLT
)	
Plaintiff,)	ORDER AFTER IN CAMERA REVIEW OF
)	RECORDS PRODUCED BY THE CA STATE
v.)	PERSONNEL BOARD
)	
AUBREY WIMBERLY,)	
)	
Defendants.)	
)	

On August 8, 2016, the Court conducted an informal conference related a discovery dispute. (Doc. 43) At the conference, counsel agreed that the records would be produced from the CA State Personnel Board, related to Mr. Brown’s employment with the CDCR, and records produced by the City of Wasco to the Court to conduct an in camera review.

The Court has conducted the review of the records from the CA State Personnel Board which is made up on the hearing officer’s decision and the determination of the Board. The determination by the Board is nearly entirely boilerplate with little detail related to Mr. Brown. On the other hand, the hearing officer’s decision details the evidence presented and her conclusions. Notably, the description of the evidence, including the hearing officer’s determination that there was insufficient evidence to link protected activity to alleged retaliation, conforms to the testimony given by Mr. Brown at his deposition.

The Court finds that there is nothing in the record from the CA State Personnel Board that

1 bears on Mr. Brown's claim for emotional distress damages. In addition, the Court finds that there is
2 nothing in the record that could lead to the discovery of admissible evidence. Therefore, the Court

3 **ORDERS:**

4 1. The documents produced by the State Personnel Board need not be produced to the
5 defendants and the subpoena duces tecum is **QUASHED**.

6 2. **No later than September 9, 2016**, plaintiff's counsel **SHALL** retrieve from the Clerk
7 of the Court at the United States Courthouse, located at 510 19th Street, Bakersfield, CA, the copy of
8 the records produced by the CA State Personnel Board.

9
10 IT IS SO ORDERED.

11 Dated: **August 23, 2016**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE