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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 GINA CARUSO,

11 Plaintiff,

12 v.

13 OFFICER G. SOLORIO, et al.,

14 Defendants.

Case No. 1:15-cv-00780-AWI-EPG (PC)

ORDER FOLLOWING DISCOVERY
DISPUTE HEARING

(ECF NOS. 111, 112, & 113)

15 Gina Caruso (“Plaintiff”) is a state prisoner proceeding *in forma pauperis* with this civil
16 rights action filed pursuant to 42 U.S.C. § 1983. On February 15, 2019, the Court held a
17 Discovery Dispute Hearing (“Hearing”). Counsel Jenny Huang telephonically appeared on
18 behalf of Plaintiff. Counsel Derrek Lee telephonically appeared on behalf of Defendants.

19 For the reasons stated on the record at the Hearing, IT IS ORDERED that:

- 20 1. To the extent defense counsel believes that information disclosed during the
21 depositions of defendants Martinez and Lopez should be covered and clawed back
22 under the official information privilege, defense counsel has three weeks from the
23 date of this order to submit a request to deem the information privileged
24 retroactively. The request should include the material allegedly subject to the
25 official information privilege. The material and request shall be filed under seal.
26 Plaintiff has one week following the submission to file a response, which shall also
27 be filed under seal.
- 28 2. The parties are directed to meet and confer regarding a protective order. The parties

1 shall submit a stipulated protected order in compliance with the rulings made at the
2 Hearing (or a red-lined version including disagreements) no later than February 22,
3 2019.

- 4 3. Plaintiff's counsel is entitled to record depositions herself via audio-video means.
5 This ruling has no bearing on the admissibility of the recording(s) at trial.
- 6 4. Plaintiff's motion to compel the original incident report is denied as moot, because
7 the motion has previously been granted (ECF No. 75). However, Plaintiff has leave
8 to serve up to three interrogatories that seek information regarding efforts made to
9 locate the original incident report. Additionally, the parties are to meet and confer
10 regarding whether Mr. Villegas (phonetic) should be deposed. If the parties cannot
11 come to an agreement, Plaintiff may seek leave to depose Mr. Villegas by filing a
12 supplement to the motion to compel.
- 13 5. Plaintiff's motion to compel production of documents related to the investigation
14 interviews is granted. To the extent any further documents are discovered, those
15 documents shall be promptly produced to Plaintiff.
- 16 6. Within five days of the date of service of this order, Plaintiff may file a supplement
17 to the motion to compel asking for the Court to check redactions on one page of the
18 investigation reports/use of force review addressed under the Court's previous order
19 (ECF No. 75). Plaintiff's counsel shall include the page with the redactions. Within
20 five days of the filing of the motion, Defendants shall provide an unredacted copy of
21 that page to the Court for *in camera* review. The Court will then issue an
22 appropriate order regarding the redactions.
- 23 7. Plaintiff's motion for the Court to reconsider its order allowing redaction of the
24 investigation reports/use of force review is denied, without prejudice.
- 25 8. Plaintiff is granted permission to depose Dr. Ramos (phonetic) in lieu of Dr. Onyeje.
- 26 9. Plaintiff has until March 29, 2019, to conduct the depositions that the Court has
27 already allowed.
- 28 10. After the depositions are complete, the parties shall meet and confer regarding

