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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MACARIO BELEN DAGDAGAN,

Plaintiff,

CIV. NO. S-08-0922 GEB GGH

vs.

CITY OF VALLEJO, et al.,

Defendants.

SUMMARY ORDER

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Previously pending on this court’s law and motion calendar for November 5, 2009, were plaintiff’s motion to compel production of documents, designation of witnesses pursuant to FRCP 30(b)(6), further answers to deposition questions and sanctions, filed on October 27, 2009, and plaintiff’s motion to compel expert depositions and sanctions filed on October 28, 2009. Discovery is scheduled to close on November 25, 2009. The court issues the following summary order with a more detailed order to follow.

I. Plaintiff’s Motion to Compel Production of Documents

Requests 3 & 4: Training Materials - Defendants shall bring the training materials to plaintiff’s office for inspection and copying, no later than November 19, 2009.<sup>1</sup>

Requests 9 & 11: Complaints Against Defendants - Defendants shall provide unredacted copies of these documents to plaintiff, within fourteen days of the date of this order. Any redactions

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<sup>1</sup>For any of the production ordered in this summary order, defendants are free to designate material as confidential in accordance with the protective order on file, if such designation is otherwise appropriate.

1 authorized by the Federal Rules of Civil Procedure shall be made if and when any of these  
2 documents are filed.

3 Requests 12 & 13: Use of Tasers by Defendants - Defendants shall provide unredacted copies of  
4 these documents to plaintiff within fourteen days of the date of this order. Any redactions  
5 authorized by the Federal Rules of Civil Procedure shall be made if and when any of these  
6 documents are filed.

7 Request 21: Court Complaints Against Police Department - Defendants shall provide the  
8 complaints to plaintiff within fourteen days of the date of this order.

9 Request 22: Internal Affairs Complaints - Within fourteen days of the date of this order, plaintiff  
10 shall be allowed to view Internal Affairs Division complaints filed in the last two (2) years.

11 Plaintiff shall designate the cases that he wants produced. Within five days after plaintiff has  
12 designated these cases, defendant shall provide the court with the complaint case files for an in-  
13 camera review. Plaintiff shall make no copies, take no notes, and not contact anyone referenced  
14 in the reports, until the court has reviewed the casefiles and made a determination.

15 Request 23: Claims Against City - Defendants shall provide unredacted documents to plaintiff  
16 within fourteen days of the date of this order. Any redactions authorized by the Federal Rules of  
17 Civil Procedure shall be made if and when any of these documents are filed.

## 18 II. Internal Affairs Investigation of Incident

19 Defendants represented to the court that there was no Internal Affairs investigation  
20 of this incident prior to the filing of the claim. Sergeant Massenkoff shall be deposed no later  
21 than November 13, 2009, concerning the memo he received that discussed a requested  
22 investigation into this incident.

## 23 III. Deposition of Sergeant John Miller

24 The motion to compel Sergeant Miller to answer certain questions involving the  
25 training of Vallejo police officers is denied.

1 IV. Deposition of Expert Witnesses

2           If any party seeks to extend discovery, that party must make an application to the  
3 district judge and let the undersigned know by the close of business on Tuesday, November 10,  
4 2009. If discovery is not extended, the expert witnesses must be made available by the current  
5 end of discovery date. Should a party not produce experts for deposition, that party shall be  
6 precluded from using each unproduced expert in this action. Because it is not disputed that the  
7 parties had an agreement to produce experts in California for deposition, if expert depositions are  
8 conducted, defendant shall make Maj. Steve Ijames available in Northern California for the  
9 deposition.

10           According, IT IS HEREBY ORDERED that plaintiff's motions to compel be  
11 granted in part and denied in part as set forth in this order.

12 Dated: November 6, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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