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

SHIRLEY A. NEWMAN and
ANTHONY C. BUTLER,

Plaintiffs,

No. 2:09-cv-03441 WBS KJN

v.

SAN JOAQUIN DELTA COMMUNITY
COLLEGE DISTRICT, a public entity;
DANIELE RULEY, JAMES WOOD,

Defendants.

ORDER

Presently before the court is defendant San Joaquin Delta Community College District's ("District") motion for a protective order and monetary sanctions brought pursuant to Federal Rule of Civil Procedure 26(c)(1).¹ (Mot. for Prot. Order, Dkt. No. 100.) The District seeks an order preventing plaintiffs from discovering records from a nonparty, Lodi Unified School District, regarding an incident that occurred on or around April 20, 2011, wherein San Joaquin Delta College Police officers allegedly used a Taser device on a student from Middle College High School. The parties filed a timely Joint Statement re Discovery Disagreement pursuant to Eastern District Local Rule 251. (Joint Statement, Dkt. No. 110.)

¹ This action proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(1) and 28 U.S.C. § 636(b)(1).

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The court heard this matter on its law and motion calendar on July 7, 2011. Attorney J. Anthony Abbott appeared on behalf of the District. Attorney Stephen M. Ryals appeared on behalf of plaintiffs. The undersigned has fully considered the parties' submissions, oral arguments, and appropriate portions of the record. For the reasons stated on the record during the hearing, even assuming that the District has standing to seek a protective order on Lodi Unified School District's behalf, such a protective order is not presently warranted under the applicable legal standards. Additionally, as explained at the hearing, the undersigned does not award any party reasonable expenses incurred in bringing, or defending against, this motion. See Fed. R. Civ. P. 26(c)(3), 37(a)(5).

Accordingly, IT IS HEREBY ORDERED that:

1. Defendant San Joaquin Delta Community College District's motion for a protective order and monetary sanctions (Dkt. No. 100) is denied.
2. Neither party shall be awarded reasonable expenses incurred in bringing, or defending against, the motion.

IT IS SO ORDERED.

DATED: July 7, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE