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

MARKUS HALL, et al.,

Plaintiffs,

No. CIV S-10-0508 GEB DAD

v.

CITY OF FAIRFIELD, et al.,

Defendants.

ORDER

_____/

This case came before the court on January 28, 2011, for hearing on plaintiffs' motion to compel defendant City of Fairfield to serve further responses to plaintiffs' request for production of documents and to compel defendant Officers Zack Sandoval and Tom Shackford to appear for and answer questions at deposition. Garret D. Murai, Esq. appeared for plaintiffs. Kevin E. Gilbert, Esq. appeared for the City defendants.¹ John Jennings, Esq., who represents defendants In-N-Out Burger and Marc L. Young, appeared telephonically.

The parties informed the court that defendant City of Fairfield had agreed to produce additional documents in response to plaintiffs' Request for Production Nos. 1, 2, 3, 5, and 6, thereby resolving the motion to compel further production of documents other than those

¹ The City defendants are the City of Fairfield, Sergeant Crane, and Officers McDowell, Grimm, Shackford, and Sandoval.

1 related to the Internal Affairs investigation of the incident and personnel records relating to
2 complaints against and/or discipline of defendants. As to such documents and the deposition
3 testimony of defendants Sandoval and Shackford, the parties' Joint Statement Re Discovery
4 Disagreement (Doc. No. 28) was considered, along with the parties' arguments at the hearing.

5 For the reasons set forth in detail on the record, plaintiffs' motion to compel (Doc.
6 No. 22) is granted with regard to plaintiffs' Request for Production Nos. 4 and 7, and with
7 respect to the appearance of defendants Sandoval and Shackford to give further deposition
8 testimony. Defendant City of Fairfield shall produce (1) all documents related to the Internal
9 Affairs investigation of the incident at issue, subject to a stipulated protective order to be
10 submitted to the court for approval, and also subject to appropriate redaction, except that
11 defendant shall produce unredacted copies of all witness statements; and (2) defendant officers'
12 personnel records relating to complaints against and/or discipline of the defendant officers
13 arising from incidents similar to the one at issue, subject to a stipulated protective order and
14 appropriate redaction. All documents served pursuant to this order shall be produced on or
15 before February 22, 2011, absent the parties' stipulation to additional time. Plaintiffs' counsel
16 shall make a good faith effort to avoid further deposition of defendants Sandoval and Shackford
17 if written responses to discovery provide the information sought.

18 IT IS SO ORDERED.

19 DATED: February 2, 2011.

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23 DALE A. DROZD
24 UNITED STATES MAGISTRATE JUDGE

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