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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN ALEXANDER, et al.,

Plaintiffs,

v.

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS  
AND REHABILITATION, et al.,

Defendants.

No. 2:11-cv-0640 TLN CKD

ORDER

Plaintiff’s motion to compel further production of documents came on regularly for hearing on November 18, 2015. Jeff Price, Ronald Kaye and Caitlin Weisberg appeared telephonically for plaintiffs. Peter Hirsig and Denise Serra appeared for defendants.<sup>1</sup> Upon review of the documents in support and opposition, upon hearing the arguments of counsel, and good cause appearing therefor, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. The parties shall meet and confer regarding a stipulated protective order. If the parties cannot agree on the terms of such a protective order, plaintiffs shall submit their proposed version no later December 2, 2015. Defendants may file objections to plaintiffs’ proposed protective order no later than December 4, 2015.

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<sup>1</sup> Defendant Lozano is represented by separate defense counsel. No appearance was made for this defendant.

1           2. The motion to compel (ECF No. 128) is granted in part. Defendants' boilerplate  
2 objections are hereby stricken. With respect to the categories of documents identified in the joint  
3 statement (ECF No. 138 at 5:6-27), no later than December 11, 2015, defendants shall provide  
4 documents responsive to:

- 5           a. category C as identified in defendant Lozano's responses to interrogatories;
- 6           b. category G comprised of diagrams for safety codes of the subject facility which  
7 are available to inmates or correctional officers, as discussed at the oral argument;
- 8           c. category I; and
- 9           d. category K.

10           3. Based on the representation of defense counsel that all documents within the  
11 possession of defendant CDCR responsive to categories F and H are contained in the C-files  
12 which have previously been produced, no further production will be ordered with respect to these  
13 categories.

14           4. Based on the representation of defense counsel that all documents withheld from  
15 production responsive to categories A, B, D, and E have been identified on the supplemental  
16 privilege log, no further production will be ordered pending in camera review. Defendants shall,  
17 no later than November 30, 2015, submit for in camera review the documents identified on the  
18 supplemental privilege log and any other documents (in bate-stamped format) that have been  
19 withheld that are responsive to nos. 81-85 (category J--Lydon inmate assault documents).

20           5. Discovery produced pursuant to this order shall be produced in electronic format. The  
21 court declines to order defendants to produce an index of previously produced discovery.

22           6. Plaintiffs have withdrawn their request for expenses and accordingly no award of  
23 expenses incurred in connection with the motion will be made.

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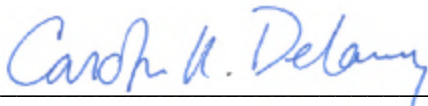
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7. Prior to the filing of any further motion to compel, the parties shall engage in the informal procedures for the resolution of discovery disputes set forth on the undersigned's court website.

Dated: November 18, 2015

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

4 alexander0640.oah