## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ESTATE OF MARK ANTHONY SCOTT, No. 2:13-cv-0024-GEB-KJN et al., 12 Plaintiffs, 13 **ORDER** v. 14 COUNTY OF SACRAMENTO, et al., 15 Defendants. 16 17 Presently pending before the court is plaintiffs' motion to compel further responses to 18 interrogatories propounded on defendants Tidwell, Becker, and Xiong. (ECF No. 36.) The 19 parties timely filed a joint statement regarding the discovery disagreement on June 19, 2014. 20 (ECF No. 39.) At the June 26, 2014 hearing, attorney Stewart Katz appeared on behalf of 21 plaintiffs, and attorney Jesse Rivera appeared on behalf of defendants. (ECF No. 40.) After 22 carefully considering the parties' briefing and oral argument, and for the reasons discussed at the hearing, IT IS HEREBY ORDERED that: 23 1. Plaintiffs' motion to compel (ECF No. 36) is granted in part along the terms outlined 24 in this order. 25 2. Within fourteen (14) days of this order, defendants' counsel shall subpoen athe cell 26 27 phone records of defendants Tidwell, Becker, and Xiong for the time period January 6,

2012, to January 12, 2012, from the respective carriers.

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- 3. Within 45 days of this order, and as necessary thereafter, defendants' counsel shall provide plaintiffs' counsel with a written update, by letter or e-mail, as to the status of the document production in response to the subpoenas.
- 4. Within fourteen (14) days of receipt of all such records in response to the subpoenas, defendants' counsel shall provide plaintiffs' counsel with declarations signed by defendants Tidwell, Becker, and Xiong under penalty of perjury, providing information regarding any phone calls or text messages made, sent, or received on these defendants' cell phones from January 6, 2012 to January 12, 2012, that were either (a) exchanged between these defendants OR (b) exchanged with other persons (to the extent that the communications with others pertain to the death of Mark Anthony Scott and related events). Such information shall include, if available from the subpoenaed records and defendants' knowledge, the following for each telephone call or text message: (a) the date and time of the call or text message; (b) the duration of the call; and (c) the identities of the caller/sender and receiver.
- 5. In light of providing the above information, defendants need not otherwise further respond to the interrogatories that are the subject of this motion.

IT IS SO ORDERED.

Dated: June 27, 2014

KENDALL J. NEWMAN

UNITED STATES MAGISTRATE JUDGE