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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARLIE HALCOMB,
Plaintiff,
v.
CITY OF SACRAMENTO, et al.,
Defendants.

No. 2:14-cv-2796 MCE DAD

ORDER

On June 5, 2015, this matter came before the undersigned for hearing of plaintiff's motion to compel. Attorneys Mark Merin and Paul Masuhara appeared on behalf of the plaintiff and Senior Deputy City Attorney Andrea Velazquez appeared on behalf of the defendants. After hearing argument from the parties, the court took the motion under submission.

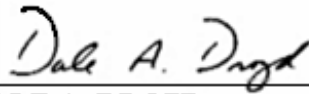
In the parties' May 28, 2015 Joint Statement Re Discovery Disagreement, the parties presented their respective arguments solely with regard to whether the discovery plaintiff seeks is protected by the official information privilege. At the June 5, 2015 hearing on the motion to compel, however, it became apparent that the discovery dispute at issue here is not whether the official information privilege applies but whether the discovery should be produced pursuant to a protective order. The parties' joint statement does not address this issue which it turns out is dispositive of the pending motion.

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1 The undersigned has reviewed the unredacted versions of the Sacramento Police
2 Department General Orders which were submitted by defense counsel for in camera review. At
3 the hearing defense counsel suggested that such materials are routinely produced only if a
4 protective order is in place. Plaintiff's counsel suggested that no showing has been made that the
5 contents of the General Orders sought should be produced subject to a protective order. Beyond
6 those assertions, however, the parties have not addressed the issue, nor have they cited specific
7 authorities in support of their respective positions with respect to a protective order.

8 Accordingly, IT IS HEREBY ORDERED that within seven days of the date of this order
9 the parties shall file simultaneous briefs, not exceeding five pages in length, addressing whether
10 the discovery at issue should be produced only subject to a protective order.

11 Dated: June 10, 2015

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14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

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