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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	SHEENA SHAW,	No. 2:16-cv-00729 TLN CKD
12	Plaintiff,	
13	v.	ORDER
14	SACRAMENTO COUNTY SHERIFF'S DEPARTMENT, et al.,	
15 16	Defendants.	
17	I. Introduction	
18	Before the court is defendants' motion to stay this matter pending resolution of the motion	
19	to dismiss submitted August 1, 2017. (ECF No. 42.) This matter came before the court for	
20	hearing on March 21, 2018. Plaintiff was represented by Jeff Price, who appeared telephonically,	
21	and defendants were represented by Wendy Motooka. At the close of the hearing, the court took	
22	the matter under submission.	
23	This action proceeds on the First Amended Complaint against Sacramento County and	
24	several Sheriff's Department employees. (ECF No. 15 ("FAC").) Plaintiff alleges that, on April	
25	5, 2014, officers made a warrantless entry into her home and used excessive force on her while	
26	they arrested her 18-year-old son. (FAC, ¶¶ 23-64.) In 2017, defendants filed a motion to	
27	dismiss, arguing that all plaintiff's claims are time-barred and/or fail to state a claim for relief.	
28	(ECF No. 32-1.) In opposition to the motion, plaintiff clarified that she was also suing for her 1	

own alleged false arrest on April 5, 2014.¹ The district court deemed the motion submitted
 without argument on August 1, 2017. (ECF No. 39.) That motion remains pending.

II. Motion to Stay

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4 In the instant motion, defendants seek (1) to stay discovery until a ruling issues on the 5 motion to dismiss, or alternatively, (2) an order allowing disclosure of certain records subject to a 6 sealing order by the Sacramento Superior Court and additional time to respond to discovery. 7 (ECF No. 42.) The parties filed a Joint Status Report/Rule 26(f) Discovery Plan on August 1, 8 2017, proposing discovery deadlines, but there is no Scheduling Order. (ECF No. 40.) 9 On February 4, 2018, plaintiff served three sets of discovery requests: (1) Request for 10 Production of Documents to the Sheriff's Department; (2) Request for Production of Documents 11 to Sacramento County; and (3) Request for Admissions to defendant Mason, who allegedly 12 pinned plaintiff to the ground and stomped on her back. Plaintiff seeks documents concerning the 13 decision to prosecute her for resisting arrest, any search warrant for her home, and law 14 enforcement actions on the night of the incident. (ECF Nos. 44-1, 44-2.) Many of plaintiff's 15 requests involve records related to the juvenile court arrest warrant for plaintiff's son, Shawn

16 Shaw, and its execution. (ECF No. 43 at 4.)

17 Defendants have petitioned the state court for Shawn Shaw's records, and petitioner does 18 not object to their unsealing. However, the state court has denied disclosure, evidently because 19 Shawn Shaw sealed these records under a California law allowing persons convicted of juvenile 20 offenses to have their records sealed. Cal. Welf. & Inst. Code § 781. (ECF No. 43-2 at 55.) 21 Section 781 does not provide for the unsealing of such records for use in a civil case, and the 22 issue may have to be litigated. See In re James H., 154 Cal. App. 4th 1078, 1084 (Cal. Ct. App. 23 2007) (records sealed under § 781 which do not fall under the statute's express exceptions may 24 only be disclosed with the permission of the juvenile court and by order of the juvenile court); see 25 also Bilbrew v. City of Hawthorne, 2013 WL 12125749 (C.D. Cal. Feb. 1, 2013) (granting motion to compel production of sealed juvenile records under a protective order). Defendants 26

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 ¹ She was released the morning after her arrest, and the charge against her (resisting arrest) was ultimately dismissed. (ECF No. 38 at 3.)

1 have not responded to the discovery requests, instead filing the instant motion.

2 Courts may issue a protective order staying discovery pending the resolution of potentially 3 dispositive motions. See e.g., Little v. City of Seattle, 863 F.2d 681, 685 (9th Cir. 1988) (no 4 abuse of discretion where district court stayed discovery until issue of immunity was decided on 5 summary judgment). In appropriate circumstances, a discovery stay "furthers the goal of 6 efficiency for the court and litigants." Id. at 685. Here, plaintiff argues that defendants' 7 arguments for dismissal are frivolous and, in any event, she is likely to be granted leave to amend. 8 However, the motion to dismiss may result in the dismissal of one or more claims as time-barred 9 and thus is "potentially dispositive."²

10 Plaintiff's counsel asserts that she will "work with the plaintiff's son to obtain an order 11 from the juvenile court unsealing the juvenile court records so that those records that are pertinent 12 to this case can be disclosed pursuant to a protective order." (ECF No. 43 at 5.) Plaintiff is free 13 to start this process; however, plaintiff identifies no pressing need to require defendants to 14 produce related records pursuant to a protective order before the motion to dismiss is resolved. 15 The ordinary course of action would be for plaintiff to await a ruling on the motion to dismiss, 16 file any amended complaint as needed, and proceed according to any subsequent scheduling 17 order.

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- Accordingly, IT IS HEREBY ORDERED that:
- 1. Defendants' motion to stay (ECF No. 42) is granted; and

20 2. Discovery in this matter is stayed until resolution of the June 23, 2017 motion to
21 dismiss, at which time the parties may stipulate to new discovery deadlines and/or proceed
22 according to any subsequent scheduling order.

23 Dated: March 23, 2018

CAROLYN K. DELANEY UNITED STATES MAGISTRATE JUDGE

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Plaintiff urges this court to deem the motion to dismiss "frivolous" and therefore not potentially dispositive. However, the merits of the motion to dismiss are before the District Judge, not the undersigned.