

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

3 II. Motion to Stay

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
26 motion to compel production of sealed juvenile records under a protective order). Defendants

27 ¹ She was released the morning after her arrest, and the charge against her (resisting arrest) was
28 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.

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 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

24 
25 CAROLYN K. DELANEY
26 UNITED STATES MAGISTRATE JUDGE

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28 ² 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.