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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ESTATE OF ANTONIO THOMAS, et al.,
Plaintiffs,
v.
COUNTY OF SACRAMENTO et al.,
Defendants.

No. 2:20-cv-0903 KJM DB

ORDER

“The discovery process in theory should be cooperative and largely unsupervised by the district court.” Sali v. Corona Regional Medical Center, 884 F.3d 1218, 1219 (9th Cir. 2018). That theory has certainly been disproven in this action, which has again and again come before the undersigned for resolution of discovery disputes. The most recent disputes include three motions noticed for hearing before the undersigned on May 13, 2022: defendants’ renewed motion for a protective order, defendants’ motion for a protective order, and plaintiffs’ motion to modify the protective order. (ECF Nos. 137, 138, & 144.)

As the parties are well aware, the undersigned’s Standard Information re discovery disputes set forth on the court’s web page explains that a joint statement filed before the undersigned shall not exceed twenty-five pages, excluding exhibits.¹ See

¹ The parties are advised that title pages, tables of contents, tables of citations, etc., all count toward the twenty-five-page limit.

1 [http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db)
2 [judge-deborah-barnes-db](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/united-states-magistrate-judge-deborah-barnes-db). The parties have filed a joint statement for each of the three pending
3 motions, numbering between 20 and 26 pages each. (ECF Nos. 156, 157, & 160.) The
4 undersigned will not permit the parties to exceed the page limitation by filing multiple joint
5 statements for hearing on the same calendar when they could not do so if the briefing was
6 contained in a single joint statement.

7 Accordingly, the parties' motions will be denied without prejudice to renewal. The parties
8 may elect to re-notice each motion of a different available law and motion calendar. And in an
9 effort to aid the parties in trimming the length of their joint statements and perhaps narrow their
10 disputes, the undersigned provides the following helpful information. Discovery in this action
11 has closed. (ECF No. 143.) Therefore, with respect to discovery that has not been produced there
12 is nothing for the undersigned to compel, and thus nothing for the undersigned to protect from
13 production.

14 More generally, while the parties' briefing should allege specific facts from which the
15 undersigned can determine that the parties have complied with the applicable meet and confer
16 requirements, the undersigned does not require a lengthy recounting of the history of the parties'
17 conferences. Nor is resolution of the parties' dispute served by global arguments, supported by
18 boilerplate law, and vague reference to various discovery items.

19 Instead, the parties briefing should focus on addressing with particularity an identified
20 document or category of documents at issue. The parties should then tailor their arguments to
21 addressing the specific document at issue. If the parties cannot do so within the given page
22 limitation, then they should either narrow their dispute, or notice another motion for hearing on
23 another day.

24 Finally, the undersigned notes that one joint statement makes reference to documents that
25 were "logged with the Court for *in-camera* review." (ECF No. 160 at 4.) "In Camera review is
26 not generally favored" and "the court should not conduct such a review solely because a party
27 begs it to do so." Nishika, Ltd. v. Fuji Photo Film Co., Ltd., 181 F.R.D. 465, 467 (D. Nev. 1998).
28 "In camera review should not replace the effective adversarial testing of the claimed privileges

1 and protections.” Diamond State Ins. Co. v. Rebel Oil Co., Inc., 157 F.R.D. 691, 700 (D. Nev.
2 1994). The undersigned has no intention of reviewing a document in camera in the absence of the
3 parties’ satisfying their obligations.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Defendants’ March 29, 2022 renewed motion for protective order (ECF No. 137), is
6 denied without prejudice to renewal;

7 2. Defendants’ March 30, 2022 motion for a protective order (ECF No. 138) is denied
8 without prejudice to renewal;

9 3. Plaintiffs’ April 8, 2022 motion to modify protective orders (ECF No. 144) is denied
10 without prejudice to renewal; and

11 4. The May 13, 2022 hearing of these motions is vacated.

12 DATED: May 10, 2022

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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