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UNITED STATES DISTRICT COURT
Northern District of California

DENISE SCHMIDT,

Plaintiff,

No. C 05-197 VRW (MEJ)

v.

**ORDER RE JOINT DISCOVERY
DISPUTE LETTER (DKT. #109)**

CONTRA COSTA COUNTY, KEN TORRE,
THOMAS MADDOCK, LAUREL BRADY,
LOIS HAIGHT, and BARRY BASKIN,

Defendants.

_____ /

UNITED STATES DISTRICT COURT
For the Northern District of California

Before the Court is the joint discovery dispute letter filed on June 29, 2010 by Plaintiff Denise Schmidt and individual Defendant Ken Torre. (Dkt. #109.) The dispute concerns Plaintiff's request that Mr. Torre provide documents that he maintains are not in his possession, custody, or control. Specifically, Plaintiff seeks Contra Costa County Superior Court Executive Committee Minutes and Agendas from August 2003 to July 2004. Mr. Torre states that he retired from his position as Court Executive Officer at the court in October 2008 and maintains that he does not have the legal right to obtain the documents requested.

Upon review of the parties' arguments, the Court finds that Plaintiff has failed to show that an individual defendant is required to obtain documents that are not in his possession, custody, or control. As the Superior Court is not a party to this action, the proper procedure for obtaining the records is to subpoena the documents from the Superior Court. Accordingly, Plaintiff's request is hereby DENIED.

IT IS SO ORDERED.

Dated: July 7, 2010



Maria-Elena James
Chief United States Magistrate Judge