

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DeARMAND E., *et al.*,

No. C 08-1709 SI

Plaintiffs,

**ORDER DENYING CONTRA COSTA  
COUNTY’S MOTION TO QUASH  
SUBPOENAS**

v.

CITY OF ANTIOCH, *et al.*,

Defendants.

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Contra Costa County, a non-party, has moved to quash two subpoenas served by plaintiffs on the County.<sup>1</sup> One subpoena is directed to Dan Cabral, Supervising Attorney of the Juvenile Division for the Contra Costa County District Attorney’s Office, and requests that Mr. Cabral be produced for a deposition and bring six categories of documents to the deposition. The second subpoena is directed to the Custodian of Records, District Attorney’s Office, Contra Costa County.

Contra Costa asserts a limited objection to both subpoenas to the extent that they seek documents or testimony that is directly or indirectly related to a confidential juvenile case file for “Victor F.” Contra Costa asserts that if this case were in state court, Cal. Welf. & Inst. Code § 827 would require a court order in order to release the information sought by plaintiffs’ subpoenas. Contra Costa acknowledges that this provision is not controlling in federal court. Contra Costa states that “[w]ithout more information regarding the specifics of the instant litigation, it is difficult for the County to effectively argue that the confidentiality of Mr. Cabral’s testimony and the documents sought overrides the need for relevant evidence,” and that “plaintiff should be forced to

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<sup>1</sup> The letter briefs are found at Docket Nos. 69 and 70.

1 prove that the relevance is significant and outweighs the privacy interest of the juvenile.” Docket  
2 No. 69 at 3.

3 Plaintiffs respond that the documents and testimony are highly relevant to plaintiffs’ claims  
4 of malicious prosecution, due process, and abuse of process claims against the City of Antioch.  
5 Plaintiffs wish to depose Mr. Cabral about, *inter alia*, the decision not to prosecute Victor F., a  
6 minor who was also involved in the March 7, 2007 incident at Gas City and who, according to  
7 police records, was charged with more serious charges than plaintiffs. Plaintiffs state that the  
8 Juvenile Division of the Contra Costa County District Attorney’s Office did not pursue juvenile  
9 delinquency charges against Victor F., but that the office did pursue such charges against plaintiffs,  
10 and only after “it became clear that the City of Antioch would be sued for violating Plaintiffs’ rights  
11 under federal and state law.” Docket No. 70 at 3. The Court agrees that this information could be  
12 relevant to plaintiffs’ malicious prosecution and abuse of process claims, as well as possible  
13 impeachment of the defendant police officers.

14 The Court also finds that the document requests, which are limited to “documents relating to  
15 communications with [Victor F.’s attorney] relating to the March 7, 2007 incident at Deer Valley  
16 Plaza and Gas City,” and “documents relating to the decision by the Contra Costa County District  
17 Attorney’s Office to not file a juvenile delinquency petition against [Victor F.] in connection with  
18 the March 7, 2007 incident at Gas City,” are narrowly tailored so as not to unduly infringe Victor  
19 F.’s privacy rights. Further, plaintiffs state that they agree to designate as “highly confidential” any  
20 documents produced by the County that contain information about juveniles, and that any documents  
21 or deposition testimony regarding juveniles that is filed with the Court shall be done so under seal.

22 Accordingly, the Court DENIES the County’s motion to quash. The parties shall meet and  
23 confer regarding the scheduling of Mr. Cabral’s deposition.

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25 **IT IS SO ORDERED.**

26 Dated: July 17, 2009

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SUSAN ILLSTON  
United States District Judge