

1 DENNIS J. HERRERA, State Bar #139669
2 City Attorney
3 JOANNE HOEPER, State Bar #114961
4 Chief Trial Deputy
5 DANIEL A. ZAHEER, State Bar #237118
6 Deputy City Attorney
7 Fox Plaza
8 1390 Market Street, Sixth Floor
9 San Francisco, California 94102-5408
Telephone: (415) 554-3822
Facsimile: (415) 554-3837
E-Mail: daniel.zaheer@sfgov.org

8 Attorneys for Defendant
9 CITY AND COUNTY OF SAN FRANCISCO

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 Marcus Landry and Daniel Landry,
14 Plaintiffs,
15 vs.
16 City and County of San Francisco;
Heather Fong; Frederick Schiff; Callaway,
#360; McCall, #901; Palma, #841;
Personal Protective Services; Pete
Rodriguez; Rene Garcia; Pat Young; Jack
Nyce; Garner, #186; K. McArthur; Wong,
#2038; Mariano, #2191; Parker, #121;
Cathey, #1090; Hallisy, #1794;
Rodriguez, #1976; Jackson, #275, and
Does 1 to 100,
21 Defendants.

Case No. C08-3791 SC (MEJ)

**[PROPOSED] ORDER TO COMPEL
RESPONSES TO DISCOVERY AND
AWARDING SANCTIONS**

**[MATTER TO BE REFERRED TO
MAGISTRATE JUDGE]**

Date Action Filed: July 25, 2008
Trial Date: None Set

23 On November 11, 2009, defendant City and County of San Francisco ("CCSF") filed an
24 administrative motion to compel plaintiffs to provide responses to certain interrogatories concerning
25 plaintiffs' arrest history and criminal history, and to appear at deposition to respond to questions
26 regarding the same. Having reviewed the parties' submissions and considered the relevant authorities,
27 the Court hereby GRANTS defendants' administrative motion and orders as follows:
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1. Within fourteen (14) days of the date of this order, Plaintiffs shall each serve on Defendants complete responses to CCSF's interrogatories nos. 4 and 5 to Marcus Landry and CCSF's interrogatories nos. 4 and 5 to Daniel Landry. The interrogatory responses shall be verified. Plaintiffs shall not assert any objections to the interrogatories, because all such objections have been waived.

2. Plaintiffs Marcus Landry and Daniel Landry shall appear for depositions to answer questions regarding the subject areas raised in CCSF's discovery letter, including but not limited to: plaintiffs' history of arrests and detentions by police; plaintiffs' conviction history; Marcus Landry's gang affiliation (if any); the reasons Marcus Landry was on juvenile probation at the time of the incidents at issue; and the emotional impact of the detentions at issue in this case in comparison to prior arrests and convictions. Defendants shall send plaintiffs a copy of the invoices reflecting the costs of such depositions. Within seven (7) days of the date on which such invoices are sent to plaintiffs, plaintiffs shall reimburse CCSF for the full costs of such depositions as reflected in the invoices.

3. Plaintiffs' counsel has unreasonably multiplied these proceedings by obstructing and delaying the deposition of Marcus Landry. Accordingly, plaintiff's counsel shall pay monetary sanctions in the amount of \$835.00 to CCSF. Such payment shall be sent payable to defendant City and County of San Francisco within fourteen days of the date of this Order.

4. Plaintiffs' of plaintiffs' counsel's failure to timely comply with the provisions of this Order may result in further sanctions.

SO ORDERED.

Dated: December 28, 2009

MARIAM ELINA JAMES
UNITED STATES MAGISTRATE JUDGE