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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FREDERICK JACKSON; ASHLEY NICOLE JACKSON, a Minor; BRIANA FREDRANIQUE ANNETTE JACKSON, a Minor; SHAWNA YVETTE MARTIN,

Plaintiffs,

v.

CITY OF PITTSBURG; AARON L. BAKER, individually and in his Official Capacity as CHIEF OF POLICE OF THE CITY OF PITTSBURG POLICE DEPARTMENT; G. LOMBARDI, individually and as an Officer of the CITY OF PITTSBURG POLICE DEPARTMENT (BADGE #275); C. SMITH, individually and as an Officer of the CITY OF PITTSBURG POLICE DEPARTMENT (BADGE #285); P. DUMPA, individually and as an Officer of the CITY OF PITTSBURG POLICE DEPARTMENT (BADGE #291); WILLIAM BLAKE HATCHER, individually and as an Officer of the CITY OF PITTSBURG POLICE DEPARTMENT (BADGE #274); and DOES 1 – 100, inclusive,

Defendants.

Case No.: C 09-01016 WHA

ORDER AFTER HEARING ON PLAINTIFFS' DISCOVERY DISPUTE

On January 13, 2010 plaintiffs filed a letter brief in support of a discovery dispute. Defendants filed their response on January 14, 2010. Pursuant to the Court's Order dated January 13, 2010 counsel met and conferred on January 19, 2010 and a hearing followed.

The Court orders as follows:

1. Defendants Hatcher, Lombardi, Smith and Dumpa are ordered to provide further responses to interrogatory no. 7.

2. Defendants Hatcher, Lombardi, Smith and Dumpa are not required to provide financial information at this time responsive to interrogatory no. 14. Rather, defendants Hatcher, Lombardi, Smith and Dumpa are ordered to have financial information in defense counsel's possession at the time the jury returns with its verdict. If the verdict awards plaintiff(s) punitive damages, counsel for the defense will then turn over to plaintiffs' counsel the financial documentation and the jury will then determine the amount of punitive damages, if any, plaintiff (s) are entitled to receive from defendants Hatcher, Lombardi, Smith and/or Dumpa. The Court also suggested that the parties stipulate to the net worth and annual salaries of defendants Hatcher, Lombardi, Smith and Dumpa.

3. Defendants Hatcher, Lombardi, Smith and Dumpa are ordered to provide further documents responsive to Request for Production no. 2 from their personnel file including their date of hire and job duties and disciplinary records, if any, but this order is expressly limited to disciplinary records regarding race discrimination, excessive force, false imprisonment and improper report writing. These documents are provided subject to a confidentiality and protective order.

4. Regarding interrogatory no. 22 to Chief Baker, the Court ruled that this interrogatory contained too many subparts. However, the Court also ruled that Chief Baker must provide a further response to subparagraph (a) and the further response is limited to section 1983 actions only and only for a period of 7 ½ years before the filing of plaintiffs' complaint.

5. Regarding Request for Production no. 13 to the City of Pittsburg, the Court orders that responsive documents, if any, are to be produced only for 7 ½ years before the subject incident and through the filing of plaintiffs' complaint and the production is limited to citizen complaints

regarding race discrimination, excessive force and false imprisonment. These documents are provided subject to a confidentiality and protective order.

IT IS SO ORDERED.

February 1, 2010.

Will[illegible]rict Judge

IT IS SO ORDERED
Judge William Alsup
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPROVED AS TO FORM:

Dated: January 28, 2010

LAW OFFICES OF PANOS LAGOS

Panos Lagos, Esq.
Attorneys for Plaintiffs,
FREDERICK JACKSON, et al.