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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 RONALD EL-MALIK CURTIS,

No. C 10-00358 SI

9 Plaintiff,

ORDER RE: DISCOVERY

10 v.

11 CITY OF OAKLAND, et al.,

12 Defendants.
13 _____/

14 This is an action brought by plaintiff Ronald Curtis, a firefighter paramedic in the Oakland Fire
15 Department (the "OFD"), against the City of Oakland and various OFD officials for racial
16 discrimination and retaliation in violation of California law and the U.S. Constitution. *See* First
17 Amended Complaint. The parties have submitted letter briefs presenting a discovery dispute to the
18 Court. At issue is plaintiff's request for defendants' financial information in connection with plaintiff's
19 claim for punitive damages.

20 In Curtis' first request for the production, he seeks a variety of documents establishing the
21 financial condition of defendants Joseph Torres, John Farrell, Gerald A. Simon, and Jennifer Ray. The
22 parties agree that defendants' financial information is relevant to Curtis' punitive damages claim, and
23 is discoverable under the Federal Rule of Civil Procedure. They dispute, however, how far back the
24 plaintiffs may discover the information. Plaintiffs are seeking property appraisals, loan applications and
25 related financial statements, earning statements, account balances and outstanding debt information from
26 January 1, 2006 to the present. Defendants are offering discovery of net worth information from
27 January 1, 2011 forward, including appraisals of real or personal property, statements of income, bank
28 and investment statements redacted to reflect balances only, loan statements redacted to reflect loan

1 balances, liens or judgments, and vehicle ownership data. Defendants' also seek to limit the information
2 to attorneys' eyes only.

3 For the purposes of punitive damages, courts have generally found that the relevant discoverable
4 information is the "current condition" of defendants' finances. *See Momot v. Mastro*, 2011 U.S. Dist.
5 LEXIS 51747, *8 (D. Nev. May 13, 2011) (rejecting request for 10 years of tax returns, limiting it to
6 2007-2009); *see also Platcher v. Health Professional, Ltd.*, 2007 U.S. Dist. LEXIS 68838 (C.D. Ill.
7 2007) (rejecting a three-year look back). "Other district courts addressing this issue have concluded that
8 financial records over the past two years is sufficient to establish a defendant's current net worth."
9 *United States v. Autumn Ridge Condo Ass'n*, 265 F.R.D. 323 (N.D. Ind. 2009) (rejecting three year
10 period as overbroad). This Court agrees; two years of financial information is sufficient to establish the
11 defendants' current net worth. Plaintiff's citation to *U.S. v. Dong*, 436 F.2d 1237, 1239 (9th Cir. 1971)
12 to support a claim for five years of records is inapposite; *Dong* is a tax evasion case that does not
13 address punitive damages.

14 The Court therefore orders defendants Joseph Torres, John Farrell, Gerald A. Simon, and
15 Jennifer Ray to produce the following records from the period of **January 1, 2010 to the present**:
16 appraisals of real or personal property, statements of income, bank and investment statements redacted
17 to reflect balances only, loan statements redacted to reflect loan balances, liens or judgments, and
18 vehicle ownership data. The documents will be for attorneys' eyes only.

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21 **IT IS SO ORDERED.**

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23 Dated: December 13, 2011



24 SUSAN ILLSTON
25 United States District Judge
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