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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAURICE CALDWELL,
Plaintiff,
v.
CITY OF SAN FRANCISCO, et al.,
Defendants.

Case No. 12-cv-01892-EDL

ORDER

Re: Dkt. No. 130

On June 6, 2015, Plaintiff filed a motion for leave to file a second amended complaint. At the July 21, 2015 hearing on that motion and further case management conference, the Court denied Plaintiff's motion with respect to his proposed claims pursuant to Brady v. Maryland, 373 U.S. 83 (1963), took Plaintiff's proposed claim related to an alleged failure to investigate citizen complaints and to impose discipline under submission, and ordered the Parties to meet and confer on the discovery issues outlined in their case management statement. Subsequently, the Parties read an agreement into the record regarding scheduling upcoming depositions as well as topics for the deposition of Defendant City and County of San Francisco's Rule 30(b)(6) witness. The Parties further agreed to an August 5, 2015 deadline for Defendants to produce documents responsive to Plaintiff's second request for production. The Parties also agreed to promptly file a proposed order authorizing the deposition of Marrantte Funches, an inmate in the custody of the Colorado Department of Corrections.¹ Additionally, the Parties agreed that Plaintiff will send a meet and confer letter to Defendants regarding his third and fourth requests for production, which contain discovery relevant to Plaintiff's proposed failure to investigate and discipline claim, by

¹ As a dispute nevertheless remains on Plaintiff's motion regarding this deposition, the Court granted Defendants an extension until July 22, 2015 to file their opposition. Plaintiff's reply deadline of July 24, 2015 remains unchanged.

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July 29, 2015 and that the Parties will meet and confer on those requests by August 6, 2015. As stated at the hearing, the Court is only inclined to grant Plaintiff leave to amend to assert his failure to train and discipline claim if the incremental discovery burden of that claim would not be substantial and therefore not prejudicial. Accordingly, the Parties are ORDERED to either stipulate to the filing of an amended complaint including that claim or, by August 11, 2015, file a joint letter of no more than six pages explaining their respective positions as to the additional discovery that would be needed if Plaintiff's proposed claim is allowed.

IT IS SO ORDERED.

Dated: July 22, 2015


ELIZABETH D. LAPORTE
United States Magistrate Judge