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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Harleem Sweets,	No. C 06-7964 CW (JL)
Plaintiff,	
v.	BRIEFING ORDER AND TENTATIVE RULING
Contra Costa County Board of Supervisors, et al.,	(Re Docket # 64)
Defendants.	

Introduction

All discovery in this case has been referred by the district court (Hon. Claudia Wilken) pursuant to 28 U.S.C. §636(b). This Court received Plaintiff’s motion to compel production of documents and sanctions (Docket # 64), filed December 9, 2008. The discovery cut-off in this case was September 30, 2008. Jury trial is set for January 29, 2009. The Pretrial Conference is scheduled for January 13. The Court finds this matter suitable for decision without a hearing pursuant to Civil Local Rule 7-1(b).

Plaintiff’s Motion

Plaintiff asks this Court to order Defendants to produce to him the names, PFN, and addresses of the 20 inmates who were housed in Q Pod on August 13, 2007, with Plaintiff, while he was confined in the Contra Costa County Jail. He contends that these inmates’ testimony or affidavits are important to his claim that Deputy Welch used excessive force

1 against him, since they observed the deputy beating him and dragging him out of his cell.
2 Plaintiff alleges that he requested this information from Welch's attorney but that his
3 requests have been ignored.

4 **Analysis and Conclusion**

5 Ordinarily, the long-ago passage of the discovery cut-off would lead the Court to
6 deny Plaintiff's motion as untimely. However, the identify and contact information for
7 potential witnesses is the type of information which is not part of the formal discovery
8 process, but should be produced prior to the commencement of formal discovery, as part of
9 a party's initial disclosures, pursuant to Rule (a)(1)(A)(I), Federal Rules of Civil Procedure.
10 The district court has ordered the parties to provide their witness lists by ten days prior to
11 the pretrial conference, which is scheduled for January 13. (Order e-filed November 24,
12 2008 at Docket # 63). Since the witness lists were due January 3, Defendants may have
13 deprived Plaintiff of his ability to comply with the district court's pretrial preparation order.

14 Accordingly, it is hereby ordered that Defendants shall by close of business January
15 14 file their response stating why this Court should not order them immediately to produce
16 the requested information to Plaintiff.

17 IT IS SO ORDERED.

18 DATED: January 12, 2009



JAMES LARSON
Chief Magistrate Judge

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