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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN MEAS, )  
 )  
Plaintiff(s), ) No. C08-4075 PJH (BZ)  
 )  
v. ) **ORDER COMPELLING DISCOVERY**  
 )  
CITY AND COUNTY OF SAN )  
FRANCISCO, )  
 )  
Defendant(s). )  
\_\_\_\_\_ )

Plaintiff Jonathan Meas ("plaintiff") moved for an order compelling defendant City and County of San Francisco ("defendant") to produce discovery requests No. 7 and Nos. 12-16. Following a telephone conference with the Court, the parties resolved much of their dispute. Remaining is a dispute over documents which contain an analysis of complaints of wrongdoing made against police officers (the analysis material).

Defendants claim that the analysis material is irrelevant is not well taken. A request for discovery is relevant if there is "any possibility" that the information sought may be relevant to the claim or defense of any party. Johnson v.

1 Kraft Foods North America, Inc, 238 F.R.D. 648, 653 (D. Kan.  
2 2006); See also Soto v. City of Concord, 162 F.R.D. 603, 610  
3 (N.D. Cal. 1995). Discovery should be allowed "unless it is  
4 clear that the information sought can have no possible  
5 bearing" on the claim or defense of a party. Id. The  
6 analysis material may contain information about potential  
7 witnesses, as well as information about the degree of force  
8 used against plaintiff. See Soto at 620. It may also contain  
9 information which might be used to impeach the officers. The  
10 analysis material in the MCD file may also contain information  
11 about whether particular officers have a tendency to act  
12 violently in certain situations, and if so, whether the City  
13 had knowledge that excessive force was used by these officers,  
14 and failed to take appropriate action.

15 A request for citizen complaints against police officers  
16 must be evaluated against the backdrop of the strong public  
17 interest in uncovering civil rights violations and enhancing  
18 public confidence in the justice system through disclosure.  
19 Soto at 621 (citing Kelly, 114 F.R.D. at 660-61). Courts in  
20 this district have regularly ordered the disclosure of such  
21 material in civil rights actions against police departments.  
22 See Soto at 621(citing Kelly v. City of San Jose, 114 F.R.D.  
23 653, 666 (N.D. Cal. 1987)). Defendants have cited no case  
24 which holds that analysis material should not be disclosed. <sup>1</sup>

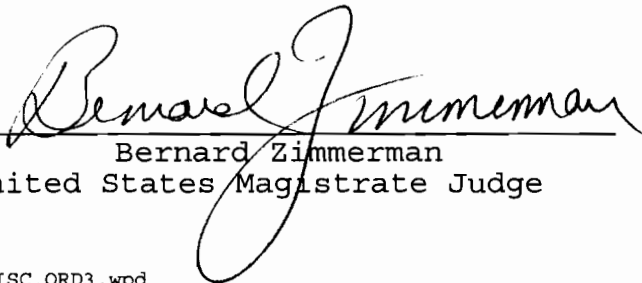
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26 <sup>1</sup> To the extent that defendant asserts the official  
27 information privilege, defendant has not established it. To  
28 invoke this privilege, the party asserting it must make a  
"substantial threshold showing," which includes an explanation  
as to how disclosure would create a substantial risk of harm  
to government interests. Soto at 613. Defendant's unsupported

1 Defendant also contends that any marginal relevance of  
2 the analysis material in the OCC and MCD files is outweighed  
3 by the privacy rights of the police officers. Given the  
4 relevancy of these documents and the importance afforded their  
5 disclosure discussed above, I find that these privacy  
6 interests do not outweigh plaintiff's need for disclosure and  
7 that the officers' privacy can be adequately protected by a  
8 protective order. See Soto at 621-622.

9 For the above stated reasons, plaintiff's motion to  
10 compel discovery of the OCC and MCD files is **GRANTED**. By no  
11 later than **October 15, 2009**, defendant shall produce these  
12 files pursuant to a protective order.

13 Dated: September 24, 2009

14   
15 Bernard Zimmerman  
16 United States Magistrate Judge

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25 contentions that disclosure of the OCC and MCD files would  
26 impede the police department's ability to evaluate its  
27 officers in a frank manner is insufficient. See Soto at 614.  
28 Defendant's assertion that information pertaining to the  
Monell claim may be obtained elsewhere does not preclude  
disclosure because the substantial threshold showing for this  
privilege has not been met. See Chism v. County of San  
Bernardino, 159 F.R.D. 531, 533 (C.D. Cal. 1994).