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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALVETT FOBBS, ET AL.,

Case No. C09-2723 (PJH) JCS

Plaintiff(s),

DISCOVERY ORDER NO. 3

v.

NEW HAVEN UNIFIED SCHOOL
DISTRICT, ET AL.,

Defendant(s).

RELATED ACTIONS:

ANGELIQUE PAIGE, ET AL.,

Case No. C09-0687 PJH (JCS)

Plaintiff(s),

v.

NEW HAVEN UNIFIED SCHOOL
DISTRICT, ET AL.,

Defendant(s).

ALVETT FOBBS, ET AL.,

Case No. C10-1065 PJH (JCS)

Plaintiff(s),

v.

NEW HAVEN UNIFIED SCHOOL
DISTRICT, ET AL.,

Defendant(s).

1 The Court has received a Joint Letter dated June 15, 2005 signed by counsel for Plaintiffs
2 and Defendants in Fobbs I, and received a Joint Discovery Conference statement signed by counsel
3 for all parties. The Court held a hearing on July 1, 2010, at which counsel for all parties appeared.
4 The Court interprets the Joint Letter as a Motion to Compel. The Motion to Compel is GRANTED
5 IN PART, AND DENIED IN PART, and the Court rules on the matters set forth in the Joint
6 Discovery Conference Statement, as set forth below. Good cause appearing, and for reasons stated
7 on the record, IT IS HEREBY ORDERED that:

- 8 1. Fobbs I Plaintiffs’ Rule 30(b)(6) notice of deposition of Defendant Union City.
9 Topic 6 – Union City shall produce a witness or witnesses to testify on programs, in
10 which the Union City Police Department participated during the last 5 years,
11 designed to prevent violence by Latino or African American gangs. Except as
12 modified the topic is overbroad. Topics 13, 14, 15 - denied without prejudice to
13 renewing after class certification is decided. The topics are overbroad, and go well
14 beyond the scope of class discovery. Topics 16 through 20 – Union City shall
15 produce a witness, to testify for no more than 2 hours, on training of Union City
16 Police officer in responding to inter racial violence. Except as so modified the topics
17 are overbroad, and go well beyond the scope of class discovery.
- 18 2. Deposition questions in Fobbs I regarding interactions by plaintiffs and other
19 members of the putative class with police officers – the motion to compel is
20 GRANTED. Evidence Rule 609 is not applicable, as this discovery is not just for
21 purposes of impeachment. No inquiry may be made into proceedings that occurred in
22 the juvenile court, or into the judgments and orders entered by such a court.
- 23 3. Fobbs I Plaintiffs’ Request for portions of the Eddins’ Homicide file withheld on the
24 basis of privilege. The Defendants and the Attorney General shall serve a privilege
25 log listing each document withheld, the privilege asserted, and a description of each
26 document sufficient for the Court to determine the applicability of the privilege, on
27 the Court and all counsel on or before July 2, 2010.
- 28 4. Fobbs I Plaintiffs’ Request for missing supplemental reports from the Eddins’
 Homicide file. On or before July 9, 2010 Defendants shall serve a declaration, under

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oath, describing why there appear to be gaps in the numbering of the reports in the Eddins' Homicide file, and produce any missing reports.

5. Dates of birth and address of certain minor deponents in Fobbs I. For any past such deponents who have refused to provide this information, the Plaintiffs shall serve an Interrogatory Answer, under oath, containing the information requested. All future minor deponents shall not refuse to provide this information. All such information shall be provide on an Attorney's Eyes Only basis.
6. Fobbs I Plaintiffs' Request for further sampling of the incidents for which police reports where produce in response to Document Requests 5 and 6 is DENIED without prejudice to requesting this information after decision on the motion for class certification.
7. Fobbs I Plaintiffs' request to expand the time period for production of documents from the past 5 years to the past 7 years is DENIED without prejudice to requesting this information after decision on the motion for class certification.
8. A further discovery conference is specially set for **July 15, 2010, at 3:00 p.m.** A joint further discovery conference statement shall be filed in advance.

IT IS SO ORDERED.

Dated: July 6, 2010



JOSEPH C. SPERO
United States Magistrate Judge