

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT VON MERTA,
Plaintiff(s),

No. C 09-00753 PJH (JCS)

v.

**ORDER GRANTING IN PART,
DENYING IN PART JOINT LETTER
[Docket No. 89]**

CITY AND COUNTY OF SAN
FRANCISCO, ET AL.,
Defendant(s).

On July 20, 2010, the parties filed a Joint Letter regarding unresolved discovery after a face-to-face meet and confer session.

On July 29, 2010, the Court held a telephonic hearing. Matthew Witteman, counsel for Plaintiff, appeared. Meghan Higgins and Joshua White, counsel for Defendants, appeared.

For reasons stated on the record, and good cause shown, IT IS HEREBY ORDERED that:

1. Plaintiff's request for QCA and Booking records is denied without prejudice to the parties meeting and conferring on a possible sampling method. As framed, the request would present a huge burden, and it is unlikely that the requested documents would lead to admissible evidence.
2. Plaintiff's motion to compel the deposition of Chief Assistant District Attorney Russel Giunti is denied. Plaintiff may take a deposition of defendant under Rule 30(b)(6) on the policies and procedures of the City and County of San Francisco designed to insure timely lease of arrestees when a determination is made not to prosecute such persons.
3. Plaintiff may take a total of 12 depositions in this action.

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4. Defendant shall provide to plaintiff's counsel, on an Attorney's Eyes Only basis, a printout of the CAD regarding the incident at issue in this case, with any reference to the criminal history of the victim NOT redacted.
5. Defendants's motion to quash the subpoenas for the production of documents served on two city agencies three weeks before the close of discovery is granted.
6. Pursuant to agreement, the depositions of (1) the Mirage Hotel's PMK and (2) Sigfried & Roy's manager shall take place by telephone.
7. The motion to compel the deposition of Jesse Lehman is granted.

IT IS SO ORDERED.

Dated: August 9, 2010



JOSEPH C. SPERO
United States Magistrate Judge