

1 TERESA L. STRICKER, Interim City Attorney (SBN 160601)
 JOHN J. FRITSCH, Assistant City Attorney (SBN 172182)
 2 City of Santa Rosa
 100 Santa Rosa Avenue, Room 8
 3 Santa Rosa, California 95404
 Telephone: (707) 543-3040
 4 Facsimile: (707) 543-3055

5 Attorneys for Defendants
 CITY OF SANTA ROSA (erroneously sued herein as CITY OF SANTA ROSA POLICE
 6 DEPARTMENT); former Chief to the Santa Rosa Police Department TOM
 SCHWEDHELM; Officer JOHN DEADMAN; Officer KAIDEN KEMP; Sgt. ANDREW
 7 ROMERO and Officer PAT GILLETTE

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11 TERRY L. WEISS,
 12 Plaintiff,

CASE NO. C 15-01639 YGR (KAW)

13 v.

~~Proposed~~ ORDER REGARDING
 DEFENDANTS' 5/1/17 JOINT LETTER

14 CITY OF SANTA ROSA POLICE
 15 DEPARTMENT; et al.,
 16 Defendants.

AS MODIFIED

Re: Dkt. No. 105

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 18 On May 1, 2017, defendants filed a discovery letter seeking a court order for
 19 Plaintiff's mental health records to be produced. On April 20, 2017, City received a
 20 copy of the Superior Court of California, County of Sonoma Criminal Docket SCR
 21 679947 re defendant "Weiss, Terry L."; offense date "04/15/2016"; filed charge "PC 242"
 22 and arresting agency "ROHNERT PARK POLICE DEPARTMENT". The courtroom
 23 minutes reflect:

24 "06/13/2016:...Refer to Mental Health- Dr. Ranish

25 06/23/2016:...Dr. Schneider appointed to examine defendant...1368 PC
 CERTIFICATION

26 07/08/2016:...Dr. Doty appointed to examine defendant..pursuant to 1368 PC.

27 08/11/2016:...Dr. Shirikian appointed to examine defendant...pursuant to 1368
 28 PC.

1 09/02/2016:...1368 PC Hearing Held...Defendant found Mentally
2 Incompetent...referred to 1370 outpatient Competency Restoration Program.
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4 11/01/2016:...Jo Ihringer appointed to examine defendant...pursuant to 1368 PC
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6 11/01/2016:...INITIAL STATUS REPORT FROM THE 1370 RESTORATION
7 PROGRAM LETTER DATED 10/31/16
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9 02/08/2017:...STATUS REPORT FROM 1370 OP RESTORATION PROGRAM
10 RECEIVED
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12 02/09/2017:...Dr. Shelly appointed to examine defendant
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14 03/10/2017:...Dr. Shelly appointed to examine defendant
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16 03/16/2017:...PSYCHOLOGICAL EVALUATION RECEIVED FOR REPORT
17 DATED 2/23/17
18
19 03/23/2017:...Defense Counsel files Motion to Dismiss pursuant to 11385 PC
20 Counsel submit on report of Dr. Shelley dated 3/15/2017
21 Court finds Defendant not likely to be restored."

22 (Defendants' May 1, 2017 Letter, Dkt. No. ___ at 1-2)

23 Upon review of the discovery letter, the Court finds this matter suitable for
24 resolution without oral argument pursuant to Civil Local Rule 7-1(b) and, in light of
25 Plaintiff's agreement to the disclosure of these documents to Defendants and the Court
26 (Dkt. No. 105, Ex. C at 1), GRANTS defendants motion for an order for Plaintiff's mental
27 health records to be produced by Sonoma County Mental Health Service and her
28 examiners for an in camera review by the Court prior to being released to Defendants:
Good cause appearing, the Court as follows:

1. Within 10 days of the filing of this Order, Defendants shall issue
subpoenas for **two copies of** records of plaintiff's mental health examinations,
diagnoses, reports, testing, restorability and/or competency to:

Sonoma County Mental Health Services; and mental health professionals Ranish;
Schneider; Doty; Shirikian; Ihringer; and Shelley.

2. Upon receipt of responsive records and/or certificates, counsel for
defendants shall not review said records, and shall maintain the records in sealed
envelopes;

3. **Upon receipt of all responsive records and/or certificates, counsel for**

1 **defendants shall give one complete set of records and/or certificates to Plaintiff**
2 **(without any review or redaction) and file the other set of records with the Court**
3 **under seal;**

4 4. The Court shall undertake an in camera review of the records, and shall
5 designate those records or portions of records relevant to the issue of plaintiff's
6 competency; and issue an order thereon.

7 IT IS SO ORDERED.

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9 Dated: 5/5/2017

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11 KANDIS A. WESTMORE
12 United States Magistrate Judge
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