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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADIL HIRAMANЕК, et al.,
Plaintiffs,
v.
L. MICHAEL CLARK, et al.,
Defendants.

Case No. [13-cv-00228-RMW](#)

**ORDER GRANTING-IN-PART
PLAINTIFF'S EX PARTE MOTIONS
FOR LEAVE TO SEEK THIRD-PARTY
DISCOVERY**

(Re: Docket No. 307, 316)

Before the court are two ex parte motions by Plaintiff Adil HirananeK for leave to conduct third-party discovery.¹ Earlier in this case, “[i]n light of Plaintiffs’ history of broadly and indiscriminately serving subpoenas on non-parties without any substantial basis,” the court ordered Plaintiffs to seek leave of the court and show good cause before serving any further third-party discovery.² Because the court finds that HirananeK has shown good cause for some, but not all, of the third-party discovery he seeks, the court GRANTS-IN-PART HirananeK’s motions as set forth below.

First, HirananeK seeks leave to conduct discovery related to Claims 10, 17 and 44 of Plaintiffs’ Second Amended Complaint.³ Each of these claims alleges violations of HirananeK’s civil rights by various court security officers at the Santa Clara County Superior Courthouse, and

¹ See Docket Nos. 307, 316.

² Docket No. 251 at 4.

³ See Docket No. 307 at 1; see also Docket No. 201 at 2-3.

1 Judge Whyte has ordered that Hirananeck may seek discovery in connection to these claims.⁴
2 Through this discovery, Hirananeck has learned that third party Ed Yearman, a sheriff’s deputy,
3 recommended that the sheriff’s office take certain precautions when Hirananeck went to county
4 buildings. Hirananeck therefore seeks depositions and document production from Yearman and
5 the Santa Clara County Sheriff.

6 Hirananeck may serve his proposed deposition subpoena on Yearman in his individual
7 capacity.⁵ The court notes that, in taking this individual third-party deposition, Hirananeck need
8 not—and may not—specify particular topics on which Yearman is to testify.

9 Hirananeck’s other subpoenas, however, are deficient. Hirananeck seeks to depose a
10 representative of the Santa Clara County Sheriff under Fed. R. Civ. P. 30(b)(6) about “[a]ll matters
11 related to Claims # 10, #17, #35, #44, of Docket #201 to this case.”⁶ But Claim 35—against
12 Defendant Beth Miller in her individual capacity for allegedly discriminating against Plaintiffs by
13 denying them access to the restroom⁷—has nothing to do with the Sheriff. More importantly, Rule
14 30(b)(6) commands that the subpoena must “describe with reasonable particularity the matters for
15 examination.” This subpoena is far too broad to satisfy this requirement.

16 Similarly, Hirananeck’s requests for documents seek “[a]ll [documents] . . . associated with
17 Claims # 10, #17, #35, #44 of Docket #201 of this case” from each of Yearman and the Sheriff.⁸
18 A request for documents must “describe with reasonable particularity each item or category of
19 items” to be produced.⁹ As above, Hirananeck’s requests fail to do so.

21 ⁴ See Docket No. 201 at 2-3.

22 ⁵ See Docket No. 307-1 at Ex. D.

23 ⁶ Id. at Ex. E.

24 ⁷ See Docket No. 201 at 3.

25 ⁸ See Docket No. 307-1 at Exs. H, I.

26 ⁹ Fed. R. Civ. P. 34(b)(1)(A).

1 **Second**, Hiranamek seeks leave to conduct discovery related to Claim II-A of Plaintiffs’
2 Second Amended Complaint, which alleges that Defendant Superior Court of California
3 improperly denied Plaintiffs’ requests for disability accommodations.¹⁰ SCCA admits that it
4 denied certain of Plaintiffs’ requests for telephone appearances through third-party vendor
5 CourtCall and for e-filing through third-party vendor Glotrans.¹¹

6 However, SCCA raises several affirmative defenses that Hiranamek argues he cannot
7 explore effectively without discovery from these third parties. For instance, SCCA claims that
8 “the relief sought by Plaintiffs would constitute or result in an undue financial or administrative
9 burden.”¹² SCCA also raises affirmative defenses that Plaintiffs’ requests for telephonic
10 appearance might “fundamentally alter the manner in which court proceedings operate” and that
11 “the relief sought by Plaintiffs is technically infeasible.”¹³ Finally, SCCA claims that Plaintiffs’
12 complaint “is barred in whole or in part because Plaintiffs’ injury or injuries, if any, were caused
13 by third parties acting outside the scope of agency, employment or control of Defendant.”¹⁴

14 In light of these affirmative defenses, Hiranamek asks for permission to depose
15 representatives of CourtCall and Glotrans.¹⁵ He also moves for leave to request documents
16 regarding whether these vendors’ services “would cause an undue burden, or fundamental
17 alteration of the nature of program or services at Santa Clara County California Superior Court,
18 and whether such [services are] technically infeasible.”¹⁶

19 _____
20 ¹⁰ See Docket No. 316; see also Docket No. 201 at 2.

21 ¹¹ See Docket No. 178 at ¶ 23.

22 ¹² Id. at 6-7.

23 ¹³ Id. at 7-8.

24 ¹⁴ Id. at 9.

25 ¹⁵ See Docket No. 316 at Exs. C, D.

26 ¹⁶ Id.

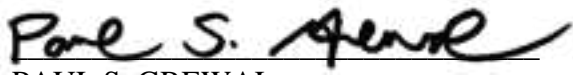
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Hiramanek may serve his proposed subpoenas to CourtCall and Glotrans. These subpoenas “describe with reasonable particularity” the discovery he seeks,¹⁷ and that discovery is tied to a viable claim.

SO ORDERED.

Dated: October 14, 2015


PAUL S. GREWAL
United States Magistrate Judge

¹⁷ Fed. R. Civ. P. 30(b)(6); Fed. R. Civ. P. 34(b)(1)(A).