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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PAUL BASHKIN,)	Civil No. 08cv1450 WQH(RBB)
)	
Plaintiff,	)	ORDER GRANTING IN PART AND
	)	DENYING IN PART DEFENDANTS'
v.	)	MOTION TO TERMINATE THE
	)	DEPOSITION OF HOWARD KLUGE
SAN DIEGO COUNTY; HOWARD KLUGE,	)	[DOC. NO. 22], PLAINTIFF'S
individually and in his	)	MOTION FOR RECONSIDERATION OF
official capacity; BRET	)	ORDER DENYING EX PARTE
GARRETT, individually and in	)	APPLICATION FOR AN ORDER
his official capacity; DOES 1-	)	EXTENDING TIME TO FILE A
100, inclusive,	)	MOTION TO AMEND HIS COMPLAINT
	)	[DOC. NO. 24], DEFENDANT SAN
Defendants.	)	DIEGO COUNTY'S MOTION TO
	)	COMPEL PLAINTIFF TO RESPOND TO
	)	INTERROGATORIES; REQUEST FOR
	)	ATTORNEY'S FEES [DOC. NO. 25],
	)	AND PLAINTIFF'S MOTION TO
	)	COMPEL DEFENDANT HOWARD KLUGE
	)	TO PRODUCE WRITTEN RESPONSES
	)	AND ORGANIZE DOCUMENTS WITHOUT
	)	OBJECTION PURSUANT TO
	)	PLAINTIFF'S REQUEST FOR
	)	PRODUCTION OF DOCUMENTS;
	)	REQUEST FOR SANCTIONS [DOC.
	)	NO. 29]

On December 7, 2009, the Court held a hearing on four discovery motions filed by Plaintiff and Defendants. Plaintiff Paul Bashkin appeared on his behalf, and the Defendants were

1 represented by James M. Chapin, Senior Deputy County Counsel. For
2 the reasons stated on the record and as outlined below, the Court
3 grants in part and denies in part the Plaintiff's and Defendants'
4 Motions.

5 Defendants' Motion to Terminate the Deposition of Howard Kluge
6 is Granted in part and Denied in part [doc. no. 22]. Defendants'
7 request for a protective order preventing any further deposition of
8 Defendant Howard Kluge is Denied, but the Court limits the
9 continued deposition to no more than two hours. At the resumed
10 deposition, Plaintiff is permitted to inquire about Defendant
11 Kluge's insurance coverage for this action, any documents obtained
12 by Plaintiff that were not the subject of prior questioning,
13 Defendant Kluge's knowledge of policies and procedures of the San
14 Diego County Sheriff's Department regarding investigating and
15 handling a California Welfare & Institutions Code § 5150 matter, a
16 claim for trespassing, or other policies and procedures identified
17 by Bashkin as covered by Plaintiff's request for production number
18 sixteen and disclosed to defense counsel as outlined below. The
19 deposition will take place telephonically, assuming there is no
20 additional expense for conducting it by phone. If there is an
21 additional expense, the deposition may proceed telephonically if
22 Defendants pay for any additional charges. The continued
23 deposition is to be completed no later than January 15, 2010.

24 Bashkin has filed a Motion for Reconsideration of this Court's
25 September 10, 2009, Order Denying Plaintiff's Ex Parte Application
26 for an Order Extending Time to File a Motion to Amend His Complaint
27 [doc. no. 24]. Bashkin has failed to show good cause for granting
28

1 the relief requested. Accordingly, his Motion for Reconsideration
2 is Denied.

3 The Court Grants in part and Denies in part Defendant San
4 Diego County's Motion to Compel Plaintiff to Respond to
5 Interrogatories [doc. no. 25]. Defendant's Motion to Compel
6 Plaintiff responses to interrogatories one through three and ten
7 through thirteen is Granted, but the responsive time frame for
8 these seven interrogatories is limited to August 8, 2003, through
9 the present. Defendant's Motion to Compel Plaintiff to respond to
10 interrogatories four, seven, fourteen, and sixteen is Granted.
11 Defendant's Motion to Compel Plaintiff to respond to
12 interrogatories five, eight, and nine is denied, but Plaintiff is
13 reminded of his duty to supplement his responses pursuant to Rule
14 26(e) of the Federal Rules of Civil Procedure. Defendant San Diego
15 County's Motion to Compel Plaintiff to respond to interrogatory six
16 is Granted, but the time frame is limited to the past ten years.
17 Defendant's Motion to Compel Plaintiff to respond to interrogatory
18 fifteen is Granted; Plaintiff is ordered to clarify his response.
19 Bashkin is ordered to provide his responses to Defendant San Diego
20 County's Special Interrogatories by no later than December 21,
21 2009.

22 The Court Grants in part and Denies in part Plaintiff's Motion
23 to Compel Defendant Howard Kluge to Produce Written Responses and
24 Organize Documents Without Objection Pursuant to Plaintiff's
25 Request for Production of Documents [doc. no. 29]. Defendant Kluge
26 is ordered to respond to Plaintiff's twenty-three requests for
27 production in writing and produce responsive documents by no later
28 than December 21, 2009. Certain requests for documents require

1 additional comment. In connection with request number six,
2 Plaintiff complains that Defendant Kluge has not produced the
3 "original" photographs of Barona Casino. At the hearing, defense
4 counsel stated that neither he nor his client has the original
5 photographs, and duplicates of Defendants' copies have been
6 produced. That is sufficient.

7 Kluge is to produce documents in his possession, custody and
8 control that are responsive to requests numbers eight and nine.
9 The reference to "complaints" in those requests is limited to
10 complaints alleging excessive force, unlawful restraint, unlawful
11 search and seizure, and unlawful detention. Kluge is ordered to
12 produce documents responsive to requests numbers ten and eleven.
13 For request sixteen, counsel for Defendant has agreed to produce a
14 copy of San Diego Sheriff's Department policies regarding
15 investigating and handling a California Welfare & Institutions Code
16 § 5150 matter, a trespass claim, and any other policies relevant to
17 this action that Plaintiff identifies to counsel for Defendants by
18 December 14, 2009.

19 In partial response to request for production number eighteen,
20 by December 21, 2009, Defendant Kluge is ordered to produce a
21 declaration to Plaintiff, signed under penalty of perjury, listing
22 Kluge's financial net worth, including his income, assets, and
23 liabilities. The underlying documents supporting Kluge's
24 declaration must be brought to the first day of trial and be
25 available for introduction into evidence. All other documents
26 responsive to Plaintiff's twenty-three requests for production
27 shall be produced to Bashkin no later than December 21, 2009. If
28 any documents are being withheld on the basis of a claim of

1 attorney-client privilege or under the work product doctrine, a
2 privilege log identifying those documents shall also be produced by
3 December 21, 2009.

4 The documents produced by Defendants are subject to a
5 protective order limiting their use and disclosure. The documents
6 may only be used in connection with this action and shall not be
7 disclosed to any third party not connected with the prosecution or
8 defense of this action without the consent of the producing party
9 or an order of this Court.

10 Each of the parties' requests for sanctions is Denied.
11 IT IS SO ORDERED.

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13 Dated: December 8, 2009



Ruben B. Brooks
United States Magistrate Judge

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