



not successful, the party moving to compel must submit an affidavit certifying the attempted resolution and specifying which issues were resolved and which remain.

The defendants objected to the release of personnel files on the grounds that the requests were overly broad, unduly burdensome and not limited in time or scope. In addition, the defendants noted that disclosing personnel records to a prisoner could jeopardize institutional safety and security. See Doc. #21, Attachment B. In his letter attempting to resolve this dispute, the plaintiff stated that he did not agree that disclosure could jeopardize safety and security because he asked that personal information be redacted. See Doc. #21, Attachment C. In response, the defendants explained that release of personnel records to an inmate is prohibited by state statute. See Doc. #22, Attachment A. Because the plaintiff did not attempt to narrow his request in response to the defendants' objections, the court questions whether he has, in fact, attempted to resolve this dispute in good faith.

In evaluating a discovery dispute of this nature, the federal court balances the plaintiff's interest in disclosure against the state's legitimate concern of protecting the confidentiality of the defendants' personnel records. See Mercado v. Division of New York State Police, 989 F. Supp. 521, 522 (S.D.N.Y. 1998). By statute, Connecticut prohibits the release under the state Freedom of Information Act of correctional officers' personnel files to a prisoner. See Conn. Gen. Stat. § 18-101f. The state court also has expressed concern that disclosing personnel

information to inmates could lead to misuse of that information by the inmate. The court noted that the information regarding a correctional officer's disciplinary history could be used to obtain power over the correctional officer or to obtain drugs or weapons from him. See Commissioner v. Freedom of Information Commission, Nos. CV074015438S, CV084016766S, 2008 WL 4926910, at \*5 (Conn. Super. Ct. Nov. 3, 2008).

In considering a similar claim, another judge within this district denied an inmate's request for correctional facility log entries. The defendants opposed disclosure on grounds of safety and security. Although the prisoner objected that disclosure would not jeopardize safety or security, the court noted that the Department of Correction had a better understanding of possible security risks associated with disclosure than the prisoner. See Lopez v. McEwan, No. 3:08cv678 (JCH), 2010 U.S. Dist. LEXIS 12470, at \*7 (D. Conn. Feb. 12, 2010). Also, a federal court in Michigan denied a prisoner's motion to compel production of personnel records analogizing the situation to a request under the Michigan Freedom of Information Act, which prohibited disclosure of personnel records. The court noted the prisoner could request the information from any witnesses testifying at trial. See Heard v. Caruso, No. 2:05-cv-231, 2010 WL 1856477, at \*2 (W.D. Mich. May 10, 2010). Where the court has granted such a discovery request, the request was narrowly tailored and the permitted documents were directly related to the issues in the case. See Hallasey v. Avery, No. 2009 WL 231198, at \* (W.D.N.Y. Jan. 29, 2009) (although plaintiff requested copy of entire

