

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4
5 DAVID GONZALEZ,

6 Plaintiff,

7 vs.

8 CLARK COUNTY, EX REL-THE CLARK
9 COUNTY SHERIFF'S OFFICE, SGT.
ASPIAZU, 7117, CO HOOD, #9902, et al.,

10 Defendants.

2:17-cv-00607-JAD-VCF

ORDER

11
12 Before the Court are Plaintiff's Motion to Compel Discovery (ECF No. 39) and Motion to Extend
13 Discovery Deadlines (ECF No. 41). The Court held a hearing on March 14, 2018 and heard
14 representations and arguments from the parties on the Motion to Compel Discovery and Motion to Extend
15 Discovery Deadlines.

16 **Motion to Compel Discovery**

17 1. Plaintiff makes a request for production of the video recording of the incident. Defendants state
18 on the record that they have searched for a video of the incident but no copy was preserved. Defendants
19 state that they have provided a supplement to their written discovery, on March 12, 2018, to Plaintiff and
20 it should resolve many of the issues raised in Plaintiff's motion to compel. The court finds that Defendants
21 have adequately and sufficiently answered the request for production of document with regards to the
22 video recording of the incident.

23 2. Plaintiff requests a copy of the actual internal affairs file. Defendants argue government
24 immunity privilege. After weighing the parties' interest, the court has ordered Defendants to produce the
25 internal affairs file to chambers, on or before March 28, 2018, for an in camera review. Defendants do

1 not have to produce the internal affairs file to plaintiff. The court will make a determination as to the
2 relevance of the internal affairs file at a later date. Defendants have offered to also produce the use of
3 force report to chambers to show that the actual internal affairs file is not relevant or admissible. The use
4 of force report was produced as a supplement to the production of documents to Plaintiff on Mach 12,
5 2018.

6 3. Plaintiff asks the Court to address Requests for Production of Documents Nos. 3, 4, 6, 7, and 8.
7 Plaintiff states that Officer Aspiazu took 10 pictures of him in his cell a five days after the incident but
8 Defendants have only produced two photographs. Mr. Freeman will check with his client for more
9 pictures or provide an explanation to the Plaintiff for the lack of photographs by March 28, 2018.

10 4. Plaintiff requests Defendants to produce all reports of the incident. He alleges that
11 approximately 15 officers were at the scene of the incident, however, Defendants have only produced 4
12 reports and the reports were all approved by Officer Aspiazu. Defendants have stated that there are only
13 four reports of the incident, with Officer Aspiazu as the supervising officer, and all four have been
14 produced to Plaintiff. The Court finds that Defendants have produced all reports and Plaintiff's request
15 for additional reports of the incident is denied.

16 5. As for Interrogatories, a discussion was held on ROGS Nos. 1, 2, 4, 5, 9, 10, and 14. Plaintiff
17 requests that Defendants produce the names of all the inmates that witnessed the fight and incident. Mr.
18 Freeman argues and objects to ROG No. 14, since every inmate that witnessed the fight has a right to
19 privacy and their names should not be disclosed to Plaintiff. Defendants state that the supplement sent to
20 Plaintiff last week should satisfy ROG No. 10. Plaintiff also seeks the name of his cell mate at the time
21 of the incident.

22 6. The Court finds that Mr. Freeman is ordered to inquire his client if there are any other witnesses
23 to the incident and to produce the name of Plaintiff's cell mate by March 28, 2018. The request to name
24 the other inmates is denied.

