

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN FUREY	:	
	:	CIVIL ACTION
	:	
v.	:	
	:	
POLICE OFFICER TRAVIS WOLFE,	:	
et al.	:	NO. 10-1820

ORDER

AND NOW, this 18th day of February 2011, after consideration of the various discovery motions filed by the parties, responses thereto, the Philadelphia District Attorney’s informal privilege assertion and motion to quash, and oral argument involving counsel for the parties and the DA conducted on February 8, 2011, it is hereby ORDERED as follows:

1. Plaintiff’s motions to compel discovery responses and initial discovery (Docs. 28 & 30) are GRANTED IN PART AND DENIED IN PART, and Defendants are instructed to provide and/or supplement discovery related to Plaintiff’s incident, Officer Wolfe, and information regarding founded incidents of excessive force or forcible false arrest by off-duty police officers for the period 2003-2008, and information regarding founded incidents of perjury by police officers for the same period;
2. Plaintiff’s motion to compel regarding his Fourth Request for Production of Documents (Doc. 33) is DENIED AS MOOT;
3. Plaintiff’s motion to compel regarding the Fifth Request for Production of Documents (Doc. 34) is GRANTED IN PART AND DENIED IN PART, and Defendants are instructed to provide sub-sets of the IAD data base related to founded incidents of excessive force or forcible false arrest by off-duty police officers for the period 2003-2008, as well as founded incidents of perjury by police officers for the same period;
4. Defendant’s motion for a protective order (Doc. 35) is GRANTED;
5. Plaintiff’s motion to quash (Doc. 43) is DENIED;

6. The DA's assertion of privilege as to certain testimony by Charles Ehrlich (set forth in Doc. 46) is GRANTED as to the deliberative process privilege only; and
7. The DA's motion to quash Mr. Ehrlich's deposition (also set forth in Doc. 46) is DENIED.

IT IS FURTHER ORDERED that the parties shall have ten days from entry of this Order to seek a protective order if any of the material to be produced merits such order, and if the parties have not reached agreement on such order. Also, the parties shall have thirty days from entry of this Order to complete the required production, and to notice and complete any additional depositions.

BY THE COURT:

/S/ELIZABETH T. HEY

ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE