

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

EDWARD R. GARZA, JR.	:	CIVIL ACTION
	:	
v.	:	
	:	
JAMES H. CARSON, <i>et al.</i>	:	NO. 14-4811

MEMORANDUM

CAROL SANDRA MOORE WELLS
United States Magistrate Judge

July 20, 2017

Presently before the undersigned is Plaintiff's Motion to Compel Defendant Lancaster County to produce documents concerning inmate complaints about medical treatment at the Lancaster County Prison ("LCP"), generally, and Defendant Todd Bowers specifically, for a ten year period. Defendant Lancaster County objects that Plaintiff's request is overbroad, seeks irrelevant information, and is unduly burdensome. The undersigned concludes that the information Plaintiff seeks is relevant, but the time period involved is overbroad and unduly burdensome; hence, the discovery that Defendant must provide will be limited.

Plaintiff alleges that Lancaster County's custom, policy, or practice resulted in Todd Bowers' (and others') deliberate indifference to his serious medical need (treatment for his fractured left ankle), such that his injury was treated inadequately while he was incarcerated at the LCP. In particular, he asserts that Lancaster County's custom prevented LCP inmates with serious medical needs from obtaining prompt access to necessary medical care and timely referral to specialists for treatment. Second Amended Complaint at 24. In order to prove the existence of Lancaster County's unconstitutional custom, policy or practice, Plaintiff seeks access to inmate complaints about the medical care they received or were refused at LCP over a ten year period. This type of evidence is relevant to establishing an unconstitutional, municipal custom, policy or practice for which the municipality may be held liable. *See Constantino v.*

City of Atlantic City, 152 F. Supp. 3d 311, 320 (D.N.J. 2015) (citing *Bd. of Comm'rs of Bryan Cnty., Oklahoma v. Brown*, 520 U.S. 397, 407 (1997)); *id.* at 322-23; *Reid v. Cumberland County*, 34 F. Supp. 3d 396, 403 (D.N.J. 2013).

However, Lancaster County argues that Plaintiff's request is overbroad to the extent that it encompasses medical care other than Plaintiff's alleged inadequate treatment for a broken ankle. Lancaster County's Memorandum at 1. Lancaster County further objects that, since LCP maintains only hand-written inmate files, it would be unduly burdensome to manually search its records to find complaints about deficient medical care of the type Plaintiff alleges. *Id.* at 6-7.

Since Plaintiff's complaint is limited to one particular type of inadequate care, Lancaster County should only produce inmate medical complaints that concern similar instances. That would be most relevant and tailored to the needs of this case. *See* Fed. R. Civ. P. 26(b)(1). Further, to insure that the burden and expense of production does not outweigh any likely benefit, *see id.*, the undersigned will shorten the temporal scope of records to be produced to five years **and** will permit Lancaster County to utilize the records Prime Care, its medical contractor, maintains regarding inmates at LCP. Lancaster County states that doing so would "tremendously" reduce its burden to produce the requested documents. Lancaster County's Memorandum at 4.

An implementing Order follows.