

IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF TEXAS  
 SAN ANTONIO DIVISION

CYNTHIA SPENCER, WILLIAM  
 SPENCER, LISA JACKSON, JENNIFER  
 JOHN, BRIAN BYRD, AMY BYRD,

*Plaintiffs,*

vs.

CITY OF CIBOLO, TEXAS, STANLEY  
 BOYLE, MARK D. ALLEN, STEVEN  
 QUINN, JOEL HICKS,

*Defendants.*

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SA-20-CV-0350 -JKP

**ORDER**

Before the Court is Plaintiffs’ Motion to Compel Production [#40]. All non-dispositive pretrial matters were referred to the undersigned on March 23, 2020 [#4]. The Court held a video discovery hearing on the motion on July 21, 2021 at which the parties appeared through counsel. In their motion, Plaintiffs request that the Court compel Defendants to produce documents and videos as well as to supplement/amend their responses to Plaintiffs’ interrogatories [#40]. Prior to the hearing, the parties conferred and resolved many of Plaintiffs’ requests; however, seven issues remained in dispute at the hearing. Those seven issues are described in the parties’ joint advisory [#44].

During the hearing, the Court issued oral rulings on the disputed issues, which it now confirms with the following written orders:

**Disputed Issue #1:** Defendants must confer on whether there is additional responsive information from the Defendants’ political Facebook pages (particularly information related to blocking) that has not been downloaded and produced to Plaintiffs. Counsel should confer with each other on the specific data and information sought. If Defendants locate additional

responsive information, they should produce it. If they do not, they should supplement their responses and clarify that there is no additional responsive information. This should be accomplished within 21 days of the date of this Order.

**Disputed Issue #2:** Defendants have confirmed on the record that they have produced all body cam footage responsive to Plaintiffs' request in their possession, custody, or control. Thus, this issue is moot. This ruling is without prejudice to Plaintiffs bringing a spoliation motion at a later time.

**Disputed issue #3:** The City of Cibolo must produce any ethics complaints or police reports concerning any of the Defendants during the time period that each Defendant has been in political office. This should be done within 21 days.

**Disputed Issue #4:** Plaintiffs' motion with regard to the documents described in Disputed Issue #4 is denied. This ruling does not preclude Plaintiffs from questioning witnesses during depositions about recent resignations and retirements by city officials and whether they relate to the City of Cibolo's alleged censoring practice.

**Disputed Issue #5:** Defendants must supplement their responses to Plaintiffs' interrogatories to comply with Fed. R. Civ. P. 33(d). In particular, Plaintiffs should amend the responses to interrogatories by each individual Defendant to clarify (by Bates number or other identifier, such as the category numbers in the December 17, 2020 letter) which documents are incorporated into the response. Also, for their supplemental productions, Defendants should clarify which interrogatory answers and requests for production each category of supplemental documents pertains to. Defendants have 21 days to supplement their responses.

**Disputed Issue #6:** Plaintiffs may draft a new or revised interrogatory to elicit a response specifically with regard to Defendants' assertion in its Twenty-Fourth Defense that Defendants

“have a First Amendment right and privilege under the Constitution to be free from the continual harassment of the Plaintiffs herein.”

**Disputed Issue #7:** Defendants should supplement their answers to Common Interrogatory No. 3 with answers from each individual Defendant identifying any communications each Defendant had regarding the enforcement of the policies.

Thus, in accordance with the foregoing:

**IT IS ORDERED** that Plaintiffs’ Motion to Compel [#40] is **GRANTED IN PART** as described above. All relief not expressly granted is **DENIED**.

SIGNED this 21st day of July, 2021.

  
ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE