

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Dunsmore v. San Diego County Sheriff's Department, et al.

Dunsmore · No. 20-cv-406-AJB-DDL · Decided December 31, 2025

SUMMARY

The court denied without prejudice the plaintiffs’ motion to reopen fact discovery to obtain records and testimony concerning the July 2025 deaths of two incarcerated persons. The court concluded that the requested discovery was overly broad and that the post-cutoff evidence would primarily bear on remedies if plaintiffs prevailed on liability. The court granted plaintiffs’ motion to seal information derived from attorney-eyes-only ADA housing rosters and denied without prejudice defendants’ request for sanctions.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	David D. Leshner
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 31, 2025
DOCKET	20-cv-406-AJB-DDL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to reopen fact discovery after the court-established liability-phase fact cutoff and separately moved to seal a declaration containing information obtained from attorney-eyes-only ADA rosters. Defendants opposed reopening discovery and requested sanctions.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 16(b)(4), reopening discovery requires good cause. The court considered whether trial was imminent, whether the request was opposed, prejudice to the nonmoving party, the moving party's diligence, foreseeability of the need for additional discovery, and the likelihood that the discovery would produce relevant evidence.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- civil procedure
- sanctions
- ada / disability

PRACTICE AREAS

civil procedure

civil rights

disability law

discovery

remedies

QUESTIONS PRESENTED

1. Whether plaintiffs established good cause under Federal Rule of Civil Procedure 16(b)(4) to reopen fact discovery for broad discovery concerning two July 2025 deaths.
2. Whether information in plaintiffs' counsel's declaration drawn from attorney-eyes-only ADA rosters should be filed under seal.
3. Whether defendants' request for sanctions should be granted when it was not presented through a properly noticed motion.

HOLDINGS

1. Plaintiffs did not establish good cause to reopen discovery for the broad discovery sought, so the motion to reopen discovery was denied without prejudice.
2. The denial was without prejudice, and plaintiffs could meet and confer with defendants and then seek a discovery conference regarding a more narrowly tailored set of records.
3. Good cause supported sealing the information because it was derived from ADA rosters that the court had ordered produced as attorney-eyes-only material pursuant to the parties' ADA settlement.
4. The request for sanctions was denied without prejudice because sanctions must be sought through a properly noticed motion giving the opposing party an opportunity to respond.

KEY QUOTATIONS

“In determining whether to modify a scheduling order under Fed. R. Civ. P. 16(b)(4) to reopen discovery, a court must consider the following factors: 1) whether trial is imminent, 2) whether the request is opposed, 3) whether the non-moving party would be prejudiced, 4) whether the moving party was diligent in obtaining discovery within the guidelines established by the court, 5) the foreseeability of the need for additional discovery in light of the time allowed for discovery by the district court, and 6) the likelihood that the discovery will lead to relevant evidence.” (at 2)

FACTUAL BACKGROUND

Plaintiffs sought video footage, reports, medical and custody records, safety-check and wellness-round logs, and depositions concerning the July 2025 deaths of two incarcerated persons in San Diego County jails. They sought the discovery for developing a remedy related to their claim concerning placement of people with mental-health needs in punitive administrative-segregation units. The requested discovery was broad and postdated the February 3, 2025, liability-phase fact cutoff.

PROCEDURAL HISTORY

The court previously set February 3, 2025, as the fact cutoff for the liability phase while permitting evidence regardless of event date during the remedy phase. After the July 2025 deaths of two incarcerated persons in San

Diego County jails, plaintiffs sought broad discovery concerning those deaths for use in developing a remedy related to their mental-health claim. The court denied the motion to reopen discovery without prejudice, granted the motion to seal, and denied defendants' request for sanctions without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

Plaintiffs may meet and confer with defendants and seek a discovery conference regarding a more narrowly tailored set of records. Plaintiffs were ordered to file a redacted version of counsel's declaration by January 14, 2026.

CASES CITED

- City of Pomona v. SQM N. Am. Corp., 866 F.3d 1060, 1066 (9th Cir. 2017)
- Dunsmore v. San Diego Cnty. Sheriff's Dep't, No. 20-CV-406-AJB-DDL, 2024 WL 628021, at *9 (S.D. Cal. Feb. 14, 2024)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF CALIFORNIA 10 11 DARRYL DUNSMORE, et al., Case No.: 20-cv-406-AJB-DDL 12 Plaintiffs, ORDER DENYING WITHOUT 13 v. PREJUDICE PLAINTIFFS’ MOTION TO RE-OPEN 14 SAN DIEGO COUNTY SHERIFF’S DISCOVERY AND GRANTING DEPARTMENT, et al., 15 PLAINTIFFS’ MOTION TO SEAL Defendants. 16 [Dkt. Nos. 963, 964] 17 18 On May 20, 2025, the Court granted in part Plaintiffs’ motion to set a fact 19 cutoff date for the liability phase of this case and set a fact cutoff date of February 20 3, 2025.

Dkt. No. 918. Pursuant to that order, the parties will not “rely upon and/or 21 introduce evidence as part of the liability phase of trial regarding events after 22 February 3, 2025.” Id. However, “both parties may submit evidence regardless of 23 date of event/creation for the remedy phase of the trial.” Id. 24 Plaintiffs move to re-open fact discovery to allow them to obtain discovery 25 pertaining to the deaths of two incarcerated persons in San Diego County jails in 26 July 2025.

Specifically, Plaintiffs seek video footage from body worn and 27 stationary cameras, written reports about the decedents, the decedents’ medical 28 1 and custody records, “all logs and/or audits regarding safety checks and/or 2 wellness rounds” performed in the units where the decedents were housed and 3 depositions of “all custody and mental health staff” who interacted with each 4 decedent in the days preceding their death.

Dkt. No. 963-1 at 9. 5 Plaintiffs acknowledge the February 3, 2025 fact cutoff date but “seek the 6 requested discovery specifically for developing a remedy related to their mental 7 health claim

regarding Defendants' placement of people with mental health needs in punitive AdSep units." Id. at 12-13. Defendants oppose the motion, arguing that the requested discovery will interfere with an ongoing homicide investigation and that Plaintiffs have not shown how placement in AdSep caused either death.

In Dkt. No. 968. In determining whether to modify a scheduling order under Fed. R. Civ. P. 16(b)(4) to reopen discovery, a court must consider the following factors: 1) whether trial is imminent, 2) whether the request is opposed, 3) whether the non-moving party would be prejudiced, 4) whether the moving party was diligent in obtaining discovery within the guidelines established by the court, 5) the foreseeability of the need for additional discovery in light of the time allowed for discovery by the district court, and 6) the likelihood that the discovery will lead to relevant evidence.

City of Pomona v. SQM N. Am. Corp., 866 F.3d 1060, 1066 (9th Cir. 2017). Here, no trial date has been set, Plaintiffs acted diligently in seeking the additional discovery promptly following the deaths at issue, and the need for this discovery was not foreseeable to Plaintiffs. These factors all weigh in favor of reopening discovery. On the other hand, the discovery Plaintiffs seek regarding the two decedents is broad, including video footage, written reports, medical and custody records, all logs/audits for safety checks and wellness rounds in their respective units, and depositions of "all custody and mental health staff" who interacted with each decedent over a three-day period.

Defendants point out that the parties have engaged in extensive fact discovery and that authorizing the additional discovery Plaintiffs seek will require Defendants to depose the six incarcerated persons who submitted declarations regarding the deaths.

Moreover, because this additional evidence post-dates the February 3, 2025 fact cut-off, it will become relevant, if at all, in determining an appropriate remedy if Plaintiffs were to prevail on the issue of liability. Considering all the relevant factors, the Court finds Plaintiffs have not established good cause to obtain the broad discovery they seek and denies the motion without prejudice.

Should Plaintiffs wish to seek a more narrowly tailored set of records pertaining to the decedents, they shall meet and confer with Defendants and may seek a discovery conference with the Court thereafter. Plaintiffs' motion includes a declaration from Plaintiffs' counsel describing information about the decedents taken from "ADA Rosters" of incarcerated persons provided by Defendants to Plaintiffs pursuant to the parties' prior settlement of Plaintiffs' ADA cause of action.

In June 2023, as part of that settlement, the Court ordered Defendants to provide monthly housing rosters "marked as Attorney's Eyes Only, reflecting the disability needs of every

person 19 incarcerated at Central Jail who have been identified as having a mobility or 20 hearing disability....” Dkt. No. 792. 21 “Generally, the Court applies a good cause standard to motions to seal 22 documents related to a discovery motion.” *Dunsmore v. San Diego Cnty.*

Sheriff’s 23 Dep’t, No. 20-CV-406-AJB-DDL, 2024 WL 628021, at *9 (S.D. Cal. Feb. 14, 2024). 24 Here, the information at issue in counsel’s declaration was taken from ADA 25 Rosters ordered to be produced as “Attorney’s Eyes Only” as part of the ADA 26 settlement.

As such, the Court finds good causes supports the filing of this 27 information under seal. 28 / / / 1 Finally, the Court denies without prejudice Defendants’ request for sanctions. 2 ||Any request for sanctions must be raised through a properly noticed motion to 3 which the opposing party will have an opportunity to respond. 4 IV. 5 CONCLUSION 6 For the foregoing reasons, the Court DENIES WITHOUT PREJUDICE 7 Plaintiffs’ motion to reopen discovery (Dkt.

No. 963) and GRANTS □□□□□□□□□□ 8 ||motion to seal (Dkt. No. 964). By not later than January 14, 2026, Plaintiffs must 9 || file a redacted version of counsel’s declaration. 10 11 || IT IS SO ORDERED. 12 || Dated: December 31, 2025 ait 13 Tb Lhe 14 “Hon. DavidD.LeshnerS™S~™S 15 United States Magistrate Judge 16 17 18 19 20 21 22 23 24 25 26 27 28