

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PRECEDENTIAL VALUE	nonprecedential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)