

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Meyer v. County of San Diego

No. 3:21-cv-0341-RSH (BLM) (S.D. Cal. Mar. 11, 2025) · No. 3:21-cv-0341-RSH (BLM) · Decided March 11, 2025

SUMMARY

The United States District Court for the Southern District of California denies William Meyer's motion to compel further discovery responses concerning training materials sought from individual County of San Diego defendants. The court concludes that most of the requested materials are not relevant to qualified immunity because they postdated the alleged constitutional violations, and it rejects arguments that privilege objections were waived. The court also finds that the remaining November 2016 training presentation is protected by attorney-client privilege.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Barbara L. Major
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 11, 2025
DOCKET	3:21-cv-0341-RSH (BLM)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff William Meyer moved to compel individual defendants to provide further responses to requests for production of documents. The magistrate judge denied the motion.
STANDARD OF REVIEW	Discovery rulings, including relevance and proportionality determinations, are reviewed under the district court's broad discretion.
PRECEDENTIAL VALUE	unpublished
PARTIES	William Meyer, Dana Gascay v. County of San Diego, Valenzuela, Craft, Paugh, Snyder

TOPICS

- discovery dispute
- qualified immunity
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

discovery

qualified immunity

attorney-client privilege

QUESTIONS PRESENTED

1. Whether the requested training materials were relevant and proportional to the claims or to the individual defendants' potential qualified-immunity defense.
2. Whether defendants waived attorney-client privilege or work-product protection by producing similar materials in other litigation, asserting qualified immunity, providing an allegedly deficient privilege log, or making untimely objections.
3. Whether the remaining November 2016 training presentation was protected by attorney-client privilege.
4. Whether the remaining training materials were protected by the attorney work-product doctrine.
5. Whether an in camera review of the withheld materials was necessary.

HOLDINGS

1. Training materials created after the alleged constitutional violations were not relevant to the defendants' potential qualified-immunity defense because qualified immunity evaluates whether the law was clearly established at the time of the alleged misconduct.
2. The November 2016 training could potentially be relevant to qualified immunity, but the plaintiff did not establish that the requested materials were discoverable on that basis.
3. The defendants did not waive their privilege or work-product objections through prior disclosure by the County, implied waiver, an allegedly deficient privilege log, or untimely objections.
4. The remaining November 2016 PowerPoint presentation was protected by attorney-client privilege.
5. The withheld training materials, including their native form, were protected by the attorney work-product doctrine.

KEY QUOTATIONS

“The relevant inquiry is whether, at the time of the officers’ action, the state of the law gave the officers fair warning that their conduct was unconstitutional.” (at 7)

“The Ninth Circuit has established that the attorney-client privilege cannot be used both as a “sword and a shield.”” (at 10)

“The attorney-client privilege protects confidential communications between attorneys and clients, which are made for the purpose of giving legal advice.” (at 15)

“The work product doctrine is not a privilege but a qualified immunity that “protects from discovery in litigation ‘mental impressions, conclusions, opinions, or legal theories of a party's attorney’ that were ‘prepared in anticipation of litigation or for trial.’”” (at 15)

FACTUAL BACKGROUND

Plaintiffs alleged that County social workers conducted covert video surveillance of them and their minor child during medical treatment, presented deceptive evidence or false reports in juvenile court proceedings, and caused nonconsensual medical procedures or examinations. Meyer sought training materials received by the individual defendants in connection with those claims, arguing that the materials were relevant to qualified immunity and that privilege and work-product objections had been waived. Most disputed trainings occurred after the alleged conduct, while one presentation, titled "HS SS SWS SW As Witness – November 2016," predated the alleged violations.

PROCEDURAL HISTORY

Plaintiffs filed a second amended complaint alleging that County social workers violated their civil rights through surveillance, deception or false reporting, and nonconsensual medical procedures or examinations involving their minor child. The district court dismissed the Monell claims against the County and dismissed other claims in part, leaving Valenzuela, Craft, Paugh, and Snyder as defendants. After multiple discovery-extension requests, Meyer moved to compel production of PowerPoint training presentations. Defendants withdrew objections and agreed to produce four presentations, but continued to withhold eight others based primarily on relevance, attorney-client privilege, and work-product protection. The court denied the motion, including as to the one pre-2019 presentation that might have been relevant to qualified immunity.

DISPOSITION

other

CASES CITED

- Doherty v. Comenity Capital Bank & Comenity Bank, 2017 WL 1885677, at *2 (S.D. Cal. May 9, 2017)
- Cancino Castellar v. McAleenan, 2020 WL 1332485, at *4 (S.D. Cal. Mar. 23, 2020)
- Roberts v. Clark Cty. Sch. Dist., 312 F.R.D. 594, 603 (D. Nev. 2016)
- D.M. v. County of Merced, 2022 WL 229865, at *2 (E.D. Cal. Jan. 26, 2022)
- Hallett v. Morgan, 296 F.3d 732, 751 (9th Cir. 2002)
- Surfivor Media, Inc. v. Survivor Productions, 406 F.3d 625, 635 (9th Cir. 2005)
- Williams v. County of San Diego, 2019 WL 2330227, at *3 (S.D. Cal. May 31, 2019)
- Bryant v. Ochoa, 2009 WL 1390794, at *1 (S.D. Cal. May 14, 2009)
- Johnson v. Bay Area Rapid Transit Dist., 724 F.3d 1159, 1171 (9th Cir. 2013)
- Ballentine v. Tucker, 28 F.4th 54, 64 (9th Cir. 2022)
- Evans v. Skolnik, 997 F.3d 1060, 1064, 1066 (9th Cir. 2021)
- Pearson v. Callahan, 555 U.S. 223, 232 (2009)
- Hope v. Pelzer, 536 U.S. 730, 741 (2002)
- Anderson v. Creighton, 483 U.S. 635, 640 (1987)
- Hipschman v. County of San Diego, 2024 WL 3647061, at *3, *6 (S.D. Cal. July 31, 2024)
- Vasquez v. County of Kern, 949 F.3d 1153, 1164-65 (9th Cir. 2020)
- Drummond ex rel. Drummond v. City of Anaheim, 343 F.3d 1052, 1062 (9th Cir. 2003)

- Bittacker v. Woodford, 331 F.3d 715, 719 (9th Cir. 2003)
- United States v. Amlani, 169 F.3d 1189, 1195 (9th Cir. 1999)
- 3D Systems, Inc. v. Wynne, 2024 WL 940318, at *5 (S.D. Cal. Feb. 21, 2024)
- Kinsela v. Hughes, 584 U.S. 100, 104 (2018)
- Richmark Corp. v. Timber Falling Consultants, 959 F.2d 1468, 1473 (9th Cir. 1992)
- In re Outlaw Laboratories, LP Litig., 2020 WL 1674552, at *8 (S.D. Cal. Apr. 6, 2020)
- Ocean Garden Prod. Inc. v. Blessings Inc., 2020 WL 4284383, at *1 (D. Ariz. July 27, 2020)
- Liguori v. Hansen, 2012 WL 760747, at *11-*12 (D. Nev. Mar. 6, 2012)
- United States v. Ruehle, 583 F.3d 600, 607 (9th Cir. 2009)
- United States v. Munoz, 233 F.3d 1117, 1128 (9th Cir. 2000)
- Hipschman v. County of San Diego, 2024 WL 5081631, at *5 (S.D. Cal. Dec. 11, 2024)
- Greer v. County of San Diego, 634 F. Supp. 3d 911, 918, 921 (S.D. Cal. 2022)
- ACLU of N. Cal. v. U.S. Dep't of Justice, 880 F.3d 473, 483-84 (9th Cir. 2018)
- United States v. Richey, 632 F.3d 559, 566-67 (9th Cir. 2011)