

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Reaves v. Madden

Reaves · No. 23-cv-254-DMS-KSC · Decided March 4, 2025

SUMMARY

The court granted defendants’ motion to compel discovery responses from a self-represented state prisoner who refused to identify witnesses during his deposition. The court ordered plaintiff to provide, within ten days, a declaration identifying each known witness and providing available identifying and contact information. The court warned that failure to disclose the information could result in exclusion of witness testimony.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Karen S. Crawford
JURISDICTION	United States District Court, Southern District of California
DECIDED	March 4, 2025
DOCKET	23-cv-254-DMS-KSC
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to compel a pro se state-prisoner plaintiff to answer questions he refused to answer during a deposition.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- discovery dispute
- civil procedure
- prisoners rights
- civil rights
- police misconduct

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner civil rights litigation

QUESTIONS PRESENTED

1. Whether defendants were entitled to an order compelling plaintiff to answer deposition questions and disclose information concerning witnesses to the incident.

2. Whether plaintiff's pro se status or desire to obtain counsel justified refusing to provide the requested discovery.

HOLDINGS

1. A party may move for an order compelling a witness to answer a question posed during a deposition, and defendants were entitled to seek such relief under Federal Rule of Civil Procedure 37(a)(3)(B)(i).
2. The names, nicknames, locations, and contact information of witnesses known to plaintiff concerning the incident were discoverable, including witnesses plaintiff might call to provide unfavorable as well as favorable testimony.
3. A party's self-represented status is not grounds for refusing to produce discovery.
4. Failure to adequately disclose the ordered witness information may result in exclusion of the witnesses' testimony if plaintiff later attempts to introduce it.

KEY QUOTATIONS

“Being self-represented is not grounds for refusing to produce discovery.” (2)

FACTUAL BACKGROUND

Plaintiff, a state prisoner proceeding pro se, alleged that defendants violated his civil rights by using excessive force. During his deposition, plaintiff testified that he knew of multiple witnesses to the events underlying the lawsuit, intended to call at least some of them at trial, and could identify their names or nicknames and locations. Plaintiff refused to provide the requested discovery, apparently suggesting that he wanted to obtain counsel before doing so.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights action alleging that defendants used excessive force against him. After defendants obtained leave to depose plaintiff, they conducted the deposition on December 18, 2024, and moved to compel answers concerning witnesses to the incident. Plaintiff did not timely oppose the motion. The court granted the motion and ordered plaintiff to provide witness information within ten days.

DISPOSITION

other

CASES CITED

- V5 Techs v. Switch, Ltd., 334 F.R.D. 615, 618 (D. Nev. 2020)

OPINION

Reayes v. Madden

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 KEJUAN REAVES, Case No.: 23-cv-254-DMS-KSC 12 Plaintiff,

ORDER GRANTING MOTION TO

13 v. COMPEL [Doc. No. 48] 14 MADDEN et al., 15 Defendants. 16 17 Plaintiff, a state prisoner
proceeding pro se, filed this lawsuit alleging defendants 18 violated his civil rights by using
excessive force against him. See generally Doc. No. 1. 19 Defendants obtained leave of court to
take plaintiff's deposition. Doc. No. 33. Defendants 20 now seek an Order compelling plaintiff to
answer questions he refused to answer during 21 his deposition, which defendants took on
December 18, 2024. See Doc. No. 48. Plaintiff 22 has not timely filed an Opposition. 23 Any party
may move the Court for an order compelling a witness to answer a 24 question posed during a
deposition. See Fed. R. Civ. P. 37(a)(3)(B)(i). The identities of 25 witnesses are generally
discoverable. See Fed. R. Civ. P. 26(a)(1)(A)(i). Using deposition 26 testimony to identify
potential witnesses is likewise generally proper in civil cases. See 27 generally V5 Techs v.
Switch, Ltd., 334 F.R.D. 615, 618 (D. Nev. 2020) (collecting cases). 28 1 || Here, plaintiff claimed
during his deposition that he knew of many witnesses to the events 2 || giving rise to this lawsuit.
See Doc. No. 51 at 4. He testified that he would call "at least 3 of them as witnesses during trial.
/d. at 5. He further testified he could identify them 4 their names and nicknames, and he knew
their locations. See id. at 6-8. This information 5 ||is patently discoverable. During his deposition,
plaintiff also suggested he wanted to secure 6 || attorney representation before producing
discovery. See id. at 6. Being self-represented 1s 7 ||not grounds for refusing to produce discovery.
8 Within ten days of this Order, plaintiff shall execute a declaration under penalty of 9 || perjury of
the laws of the United States and serve it upon defendants by mailing it to 10 defense counsel. The
declaration shall identify each and every witness to the incident 11 ||known to plaintiff—not only
those witnesses from whom plaintiff may seek to elicit 12 ||favorable testimony. Plaintiff shall also
provide the names, nicknames, locations, and 13 || contact information for any such witnesses.
Failure to adequately disclose this information 14 lead to the exclusion of these witnesses'
testimony should plaintiff attempt to 15 ||introduce it. See Fed. R. Civ. P. 37(b)(2)(A) (ii). 16
Because the Court's Scheduling Order cannot accommodate unreasonable delay of 17 || this
matter, the litigation coordinator or other staff at the penal institution housing plaintiff 18 directed
to assist the parties (to the greatest extent practicable) in expeditiously securing 19 || this
discovery. 20 IT IS SO ORDERED. 21 ||Dated: March 4, 2025 AA 22 MI Ye ☐☐ 3 Hori. Karen 8S.
Crawford United States Magistrate Judge 24 25 26 27 28