UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Burt v. Ramos

No. 3:24-cv-00662-CAB-VET (S.D. Cal. Apr. 29, 2025) · No. 3:24-cv-00662-CAB-VET · Decided April 29, 2025

SUMMARY

The United States District Court for the Southern District of California partially granted Plaintiff Jamel Burt's motion to compel production of internal affairs records, prior use-of-force records, and documents concerning an earlier arrest involving Defendant Nicolai Ramos. The court found the requested materials relevant to punitive damages, motive, intent, and credibility, but limited requests for civilian complaints and use-of-force records to matters involving specified misconduct. The court overruled the County's official-information and general privacy objections, while permitting redaction of personal identifying information.

OPINION

Burt v. Ramos
PER CURIAM.
1 2 3 4 5 6 7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 11 JAMEL BURT, Case No.: 3:24-cv-00662-CAB-VET 12 Plaintiff,
ORDER GRANTING IN PART
13 v. MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
14 NICOLAI RAMOS, in his individual capacity, and COUNTY OF SAN DIEGO, 15 [Doc. No. 20] Defendants. 16 17 18 Before the Court is Plaintiff Jamel Burt's ("Plaintiff") Motion to Compel Production 19 of Internal Affairs and Past Use of Force Records. Doc. No. 20 ("Motion"). Defendant 20 County of San Diego (the "County") timely opposed the Motion. Doc. No. 21 21 ("Opposition"). The County also lodged the documents at issue for the Court's in camera 22 review. Following the Court's in camera review, and for the reasons discussed below, the 23 Court GRANTS IN PART the Motion.
24 I. BACKGROUND
25 A. Underlying Action 26 Plaintiff brings this civil rights suit under 24 U.S.C. § 1983 against San Diego 27 Sheriff's Deputy Nicolai Ramos ("Defendant Ramos") and the County. Doc. No. 1 28 1 ("Complaint"). The basis of the Complaint is an incident following a traffic stop involving 2

Plaintiff and Defendant Ramos (the “Incident”). 3 On December 18, 2022, Defendant Ramos stopped a truck in which Plaintiff was a 4 passenger. Id. at 2.1 Plaintiff represents that he was placed in handcuffs, seated on the curb, 5 and then pulled back to his feet by Defendant Ramos when he refused to answer questions 6 and cursed at Defendant Ramos. Id. at 3. While Defendant Ramos “forcibly pushed” 7 Plaintiff towards a patrol vehicle, Plaintiff claims that Defendant Ramos slammed him 8 against the ground and broke his teeth “by smashing his face against the concrete 9 sidewalk.” Id. Plaintiff alleges that Defendant Ramos’ actions amounted to excessive force 10 in retaliation against Plaintiff for exercising his First and Fifth Amendment rights. Id. at 3– 11 5. Plaintiff further alleges Defendant Ramos placed him under false arrest and his actions 12 qualify as assault and battery. Id. at 5–6. In addition to compensatory damages, Plaintiff 13 seeks punitive damages against Defendant Ramos. Id. at 7. The County and Ramos admit 14 that Plaintiff was a passenger in the truck stopped during the Incident, but otherwise deny 15 Plaintiff’s allegations. Doc. No. 3 at 3. 16 B. Documents at Issue 17 On September 19, 2024, Plaintiff served the County with eight requests for 18 production of documents (“Plaintiff RFPs”). Doc. No. 20-2 at 2–9. The County objected to 19 various requests, produced some responsive documents, but also withheld responsive 20 documents based on privilege. Doc. No. 20-3 (“Privilege Log”) at 13–16. In its Privilege 21 Log, the County objects to production of the documents identified therein based on 22 relevance, scope, privacy interests, and official information privilege. Id. 23 Plaintiff seeks to compel production of the following documents identified on the 24 Privilege Log: 1) Internal Affairs records related to Defendant Ramos, bates numbered 25 CSD001996–002174 (“IA Documents”); 2) past use of force records related to Defendant 26 27 1 Page numbers for docketed materials refer to those imprinted by the Court’s electronic 28 1 Ramos, bates numbered CSD002175–003450 (“UOF Records”); and 3) documents and 2 media files concerning the arrest of Thomas Ross, bates numbered CSD003451–003551 3 (“Ross Documents”) (collectively, the “Documents”). The Documents are responsive to 4 one or more of the following Plaintiff RFPs: 5 Plaintiff’s RFP No. 4: Any and all reports, memoranda, or other documents relating 6 to or reflecting any citizen complaints lodged against Nicolai Ramos since the 7 commencement of his employment with the San Diego County Sheriff’s 8 Department, including, but not limited to, complaints about the alleged use of 9 excessive force by Ramos. Doc. Nos. 20-2 at 4–5, 20-3 at 14–15. 10 Plaintiff’s RFP No. 5: Any and all reports, memoranda, or other documents relating 11 to or reflecting any prior incidents involving use of force by Nicolai Ramos since 12 the commencement of his employment with the San Diego County Sheriff’s 13 Department. Doc. Nos. 20-2 at 8, 20-3 at 15. 14 Plaintiff’s RFP No. 8: Any and all documents, videotapes, audio files, reports, 15 statements (including witness statements), media, and electronically stored 16 information contained in any County of San Diego investigative file, including, but 17 not limited to San Diego Sheriff Department files, relating to the incident with 18 Thomas Ross on December 17, 2020, which forms the basis of the allegations in the 19 Southern District of California Civil Case 21-cv-02130-JO-WVG. Doc. Nos. 20-2 20 at

8, 20-3 at 15–16. 21 Per Plaintiff, Thomas Ross also alleged excessive force claims against Defendant Ramos 22 stemming from the December 17, 2020 incident. Motion at 14. The Documents total over 23 1,500 pages. 24 C. The Parties' Discovery Dispute 25 Plaintiff argues that the Documents are highly relevant because "they bear directly 26 on Ramos' credibility and his motive for injuring [Plaintiff] in this case." Motion at 10. 27 Plaintiff further contends that the Documents are "directly relevant to [his] claim for 28 punitive damages against Defendant Ramos." Id. Plaintiff also stresses the importance of 1 the Documents in potentially proving a Monell claim against the County, noting that the 2 Ninth Circuit has found "municipal liability on the basis of ratification" when officers' 3 excessive force repeatedly goes unpunished by the municipality.2 Id at 11–13. Finally, 4 Plaintiff argues that the Court's Protective Order mitigates any concerns or objections 5 related to personal privacy. Id. at 15. Thus, Plaintiff requests that the Court compel 6 production of the Documents. Id. 7 In response, the County primarily asserts that the Documents are not relevant and 8 beyond the scope of this litigation. Opposition at 10–19. The County argues that Defendant 9 Ramos' past conduct is not relevant to (i) the objective "reasonableness" inquiry used in 10 excessive use of force claims, (ii) whether Defendant Ramos had probable cause to arrest 11 Plaintiff, or (iii) whether Defendant Ramos' actions amounted to retaliation against 12 Plaintiff. Id. at 10–12. The County further contends that Plaintiff did not assert a Monell 13 claim, excluding any potential relevance the Documents may have to such a claim. Id. at 14 14. In addition, the County argues that the scope of Plaintiff's requests, which seek all 15 civilian complaints and use of force incidents since Defendant Ramos began employment 16 with the County, is not proportional to the needs of this case. Id. at 16–18. Lastly, the 17 County asserts privacy concerns. Id. at 18–19. Hence, the County requests that the Court 18 deny the Motion. Id. at 19. 19 20 21 22 2 Municipal liability may arise pursuant to a Monell claim when "a policy, practice, or 23 custom of the entity can be shown to be a moving force behind a violation of constitutional rights." Doughtery v. City of Covina, 654 F.3d 892, 900 (9th Cir. 2011). 24 "In order to establish liability for governmental entities under Monell, a plaintiff must 25 prove '(1) that [the plaintiff] possessed a constitutional right of which [s]he was deprived; (2) that the municipality had a policy; (3) that this policy amounts to 26 deliberate indifference to the plaintiff's constitutional right; and (4) that the policy is 27 the moving force behind the constitutional violation.'" Id. (quoting Plumeau v. Sch. Dist. No. 40 Cnty. of Yamhill, 130 F.3d 432, 438 (9th Cir. 1997) (alterations and 28

1 II. LEGAL STANDARD

2 Pursuant to Federal Rule of Civil Procedure 34, a party may serve on another party 3 a request for production of documents, electronically stored information, or tangible things 4 within the scope of Rule 26(b).3 Fed. R. Civ. P. 34(a)(1)(A). In turn, Rule 26(b)(1) provides 5 that "[p]arties may obtain discovery regarding any nonprivileged matter that is relevant to 6 any party's claim or defense and proportional to the needs of the case . . . ." Fed. R. Civ. 7 P. 26(b)(1). Relevance under Rule 26(b) is broadly defined. In re Bank of Am. Cal. 8 Unemployment Bens. Litig., No.

21MD2992-GPC(MSB), 2024 U.S. Dist. LEXIS 111988, 9 at *20 (S.D. Cal. June 25, 2024). And in evaluating proportionality, the Court considers 10 the following factors: (1) “importance of the issues at stake in the action,” (2) “the amount 11 in controversy,” (3) “the parties’ relative access to relevant information,” (4) “the parties’ 12 resources,” (5) “the importance of the discovery in resolving the issues,” and (6) “whether 13 the burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. 14 P. 26(b)(1). “Information within this scope of discovery need not be admissible in evidence 15 to be discoverable.” Id. The Court, however, may limit discovery if it is “unreasonably 16 cumulative or duplicative, or can be obtained from some other source that is more 17 convenient, less burdensome, or less expensive;” or if the party who seeks discovery “has 18 had ample opportunity to obtain the information by discovery;” or if “the proposed 19 discovery is outside the scope permitted by Rule 26(b)(1).” Fed. R. Civ. P. 26(b)(2)(C). 20 “Unsupported assertions that discovery requests are overbroad, burdensome, or 21 disproportionate are insufficient” to resist discovery. Soler v. Cty. of San Diego, No. 22 14cv2470-MMA (RBB), 2016 U.S. Dist. LEXIS 197050, at *22 (S.D. Cal. July 18, 2016). 23 Where a party fails to produce documents requested under Rule 34, the requesting 24 party may move to compel discovery. Fed. R. Civ. P. 37(a)(3)(B)(iv) (“A party seeking 25 discovery may move for an order compelling . . . production . . . if . . . a party fails to 26 27 3 Unless otherwise indicated, all references to a “Rule” are to the Federal Rules of Civil 28 1 produce documents . . . as requested under Rule 34.”). The party seeking to compel 2 discovery bears the burden of demonstrating relevance, proportionality, and other Rule 26 3 requirements. In re Bank of Am. Cal. Unemployment Bens. Litig., 2024 U.S. Dist. LEXIS 4 111988, at *21. Thereafter, “[t]he party resisting discovery has the burden to show that 5 discovery should not be allowed, and has the burden of clarifying, explaining, and 6 supporting its objections.” Id. (internal quotations omitted); see also SmarterSwipe, Inc. v. 7 Navarrete, No. 2:24-cv-00299-CDS-MDC, 2025 U.S. Dist. LEXIS 12328, at *5 (D. Nev.
8 Jan. 22, 2025). The opposing party carries a “heavy burden of showing why discovery was
9 denied.” Blankenship v. Hearst Corp., 519 F.2d 418, 429 (9th Cir. 1975).
10 III. DISCUSSION
11 A. Preliminary Issues 12 1. Monell Claim 13 As an initial matter, the Court notes that Plaintiff does not assert a Monell claim in 14 the operative complaint, dated April 10, 2024.4 See generally Complaint. Therefore, the 15 Court disregards Plaintiff’s arguments concerning the Documents’ relevance to a non- 16 existent Monell claim. Still, because the Court finds that the Documents are relevant to 17 Plaintiff’s current claims, the lack of a Monell claim is not dispositive. 18 2. Official Information Privilege 19 The Court further notes that the County asserted the “official records privilege” in 20 response to Plaintiff’s RFP Nos. 4, 5, and 8. See Privilege Log. “Federal common law 21 recognizes a qualified privilege for official information.” Sanchez v. City of Santa Ana, 936 22 F.2d 1027, 1033 (9th Cir. 1990) (citing Kerr v. United States Dist. Ct. for N.D. Cal., 511 23 F.2d 192, 198 (9th Cir. 1975), aff’d 426 U.S. 394 (1976)). In assessing the privilege,

the 24 25 26 4 The Court recently granted Plaintiff’s Motion for Leave to File First Amended 27 Complaint. See Doc. Nos. 31, 33. Therein, Plaintiff seeks leave from the Court to amend the Complaint to add a Monell claim against the County. See Doc. No. 31-2. As of the 28 1 Court “must balance the government’s interest in protecting official information from 2 disclosure against the plaintiff’s need for the information.” Rogers v. Giurbino, 288 F.R.D. 3 469, 481 (S.D. Cal. 2012) (internal quotations and citations omitted). “This balancing test 4 is moderately pre-weighted in favor of disclosure” in civil rights cases. Id. (citing Kelly v. 5 City of San Jose, 114 F.R.D. 653, 661 (N.D. Cal. 1987)). 6 However, before the Court conducts any balancing of interests, “the party asserting 7 the privilege . . . must properly invoke the privilege by making a substantial threshold 8 showing.” Soto v. City of Concord, 162 F.R.D. 603, 613 (N.D. Cal. 1995); see also Rogers, 9 288 F.R.D. at 481; J.A.M. v. United States, No. 22-cv-380, 2023 U.S. Dist. LEXIS 75412, 10 at *9 (S.D. Cal. Apr. 28, 2023). “[T]o fulfill the threshold requirement, the party asserting 11 the privilege must submit a declaration or affidavit from a responsible official with personal 12 knowledge of the matters to be attested to in the affidavit.” Soto, 162 F.R.D. at 613. The 13 affidavit must include: (1) an affirmation that the agency generated or collected the material 14 in issue and has maintained its confidentiality; (2) a statement that the official has 15 personally reviewed the material in question; (3) a specific identification of the 16 governmental or privacy interests that would be threatened by disclosure of the material to 17 plaintiff and/or his lawyer; (4) a description of how disclosure subject to a carefully crafted 18 protective order would create a substantial risk of harm to significant governmental or 19 privacy interests, and (5) a projection of how much harm would be done to the threatened 20 interests if disclosure were made. Id.; see also Moore v. Duran, No. 23-cv-194-GPC-DDL, 21 2024 U.S. Dist. LEXIS 81429, at *6 (S.D. Cal. May 3, 2024). “If the nondisclosing party 22 does not meet this initial burden, the court will order disclosure of the documents; if the 23 party meets this burden, the court generally conducts an in camera review of the material 24 and balances each party’s interests.” Rogers, 288 F.R.D. at 481. 25 Here, the County fails to meet its threshold burden and makes no showing to support 26 application of the official information privilege. Not only does the County fail to submit 27 the requisite declaration, the County also does not claim or even argue that the “official 28 records privilege” protects the Documents from disclosure. See generally Opposition. 1 Accordingly, because the County does not meet its burden to support the official 2 information privilege, the Court OVERRULES the County’s “official records privilege” 3 objections to Plaintiff’s RFP Nos. 4, 5, and 8. 4 B. Relevance 5 As noted above, Plaintiff claims excessive force and seeks punitive damages, 6 alleging that Defendant Ramos acted maliciously, oppressively, and in reckless disregard 7 of Plaintiff’s rights. Doc. No. 1 a 7. A jury may award punitive damages in a section 1983 8 action “when the defendant’s conduct is shown to be motivated by evil motive or intent, or 9 when it involves reckless or callous indifference to the federally protected rights of others.” 10 Smith v. Wade, 461 U.S. 30, 56 (1983); see also Dang v. Cross, 422 F.3d 800, 807 (9th Cir. 11 2005) (“[I]t is well-established that a jury may award punitive damages under section 1983

12 either when a defendant's conduct was driven by evil motive or intent, or when it involved 13 a reckless or callous indifference to the constitutional rights of others."). Accordingly, 14 when a party asserts a section 1983 claim against law enforcement, information concerning 15 other instances of misconduct are relevant "on the issue of punitive damages, in that the 16 information may lead to evidence of a continuing course of conduct reflecting malicious 17 intent." Hampton v. City of San Diego, 147 F.R.D. 227, 229 (S.D. Cal. 1993). Internal 18 affairs files of a named officer defendant also "may be relevant on the issues of credibility, 19 . . . and motive of the officers." Id.; see also Myles v. Cnty. of San Diego, No. 15cv1985- 20 BEN (BLM), 2016 U.S. Dist. LEXIS 59452, at *41 (S.D. Cal. May 4, 2016) (same). 21 Moreover, "[r]ecords of citizen complaints against law enforcement involving excessive 22 force are relevant in civil rights cases, because such records may be 'crucial to proving 23 [d]efendant's history or pattern of such behavior.'" Myles, 2016 U.S. Dist. LEXIS 59452, 24 at *41–42 (citing Soto, 162 F.R.D. at 620); see also Roettgen v. Foston, No. 13cv1101- 25 GPC-BGS, 2016 U.S. Dist. LEXIS 60047, at *24 (S.D. Cal. May 4, 2016) ("In an excessive 26 force case such as this, the relevance and discoverability of officers' disciplinary records, 27 including unfounded complaints and allegations of misconduct, are widely recognized."). 28 1 Here, based on an in camera review, the IA Documents, UOF records, and Ross 2 Documents all relate to and involve Defendant Ramos. The IA Documents include written 3 reports, correspondence, interview recordings, and evidentiary photographs related to 4 investigations surrounding Defendant Ramos' past conduct and associated complaints. The 5 UOF records include radio communication records and recordings, as well as evidentiary 6 photographs from use of force incidents involving Defendant Ramos. Lastly, the Ross 7 Documents include body-worn camera footage, radio communications, photographs, and 8 written reports pertaining to Defendant Ramos and his alleged use of force during an 9 incident involving Thomas Ross. As such, the Documents are relevant to understanding 10 Defendant Ramos' past conduct, including his past use of force and the context in which 11 that use occurred, and thus relevant to Defendant Ramos' motive, intent, and credibility. 12 Therefore, consistent with prior decisions by this Court, the Court finds that the Documents 13 are relevant to Plaintiff's claims and allegations, including specifically his claim for 14 punitive damages. 15 Notably, the County fails to address Plaintiff's claim for punitive damages in arguing 16 that the Documents are irrelevant. See generally Opposition. Instead, the County suggests 17 that the Court depart from prior precedent and apply the "more restrictive" discovery 18 standard created by the 2000 and/or 2015 amendments to Rule 26. Opposition at 10–11, 19 15. While relevance is not without necessary boundaries, relevance under Rule 26 20 continues to be broadly defined, even after the amendments. See Lux v. Buchanan, No. 21 2:23-cv-00839-MMD-NJK, 2024 U.S. Dist. LEXIS 67221, at *3 (D. Nev. Apr. 12, 2024) 22 ("Even after the 2015 amendments to the discovery rules, relevance remains broad in 23 scope."). And this Court has continued to hold that the concept of relevance under Rule 26 24 remains broad. See, e.g., In re Bank of Am. Cal. Unemployment Bens. Litig., 2024 U.S. 25 Dist. LEXIS 111988,

at *20 ("Relevance under Rule 26(b)(1) is still defined broadly even 26 after the 2015 amendments to Rule 26."); Medimpact Healthcare Sys. v. Iqvia Inc., No. 19- 27 cv-1865-GPC (DEB), 2021 U.S. Dist. LEXIS 233524, at *5 (S.D. Cal. July 15, 2021) 28 ("Even after the 2015 amendments to Rule 26, discovery relevance remains a broad 1 concept."); Wagner Aeronautical, Inc. v. Dotzenroth, No. 21-cv-0994-L-AGS, 2022 U.S. 2 Dist. LEXIS 10961, at *4 (S.D. Cal. Jan. 20, 2022) ("Relevance for discovery purposes is 3 defined 'very broadly.'"); see also Soler, 2016 U.S. Dist. LEXIS 197050, at *16 (argument 4 that prior case law "should not be considered because it was decided under the older version 5 of Rule 26(b)(1) is without merit") (internal citations omitted). Thus, the Court sees no 6 reason to depart from the conclusions in Hampton, Soto, and the like. 7 In sum, the Documents bear directly on whether the Incident is part of a "course of 8 conduct" warranting punitive damages and are otherwise relevant to motive and credibility. 9 To the extent the County expresses concern that the Documents may be introduced for an 10 improper purpose, see Opposition at 13, this concern bears on admissibility and not 11 discoverability. See Fed. R. Civ. P. 26(b)(1) (discoverable information "need not be 12 admissible in evidence to be discoverable"). Accordingly, the Court OVERRULES the 13 County's relevancy objections in response to Plaintiff's RFP Nos. 4, 5, and 8. 14 C. Proportionality 15 1. Request for Production No. 4 16 The County objects that Plaintiff's RFP No. 4 is overbroad and disproportionate to 17 the needs of this case. Opposition at 16–18. Specifically, the County suggests that civilian 18 complaints responsive to RFP No. 4 may involve events entirely different from the Incident 19 and not relevant to claims involving use of force, false arrest, or retaliation. Id. at 17. The 20 County also notes that informal, verbal complaints may be responsive, requiring a 21 burdensome search of arrest records and body worn camera footage for any mention of 22 Defendant Ramos by a civilian during law enforcement encounters. Id. Therefore, the 23 County seeks to limit RFP No. 4 to written civilian complaints alleging claims similar to 24 those asserted by Plaintiff, namely excessive force, false arrest, and/or retaliation. Id. 25 The Court agrees that Plaintiff's RFP No. 4, as written, is overbroad. As discussed 26 above, to the extent Plaintiff is seeking punitive damages, civilian complaints are relevant 27 because they may help prove a pattern of behavior similar to that alleged by Plaintiff and 28 are otherwise relevant to credibility issues. See Myles, 2016 U.S. Dist. LEXIS 59452, at 1 *41–42. However, it is impractical and unnecessary to search all possible records for any 2 informal, unwritten civilian complaints against Defendant Ramos. Civilian complaints 3 about any and all conduct, unrelated to the allegations in this case, are not proportional to 4 the needs of the case. See Darraj v. County of San Diego, No. 11cv1657-AJB (BGS), 2012 5 U.S. Dist. LEXIS 168968, at *7 (S.D. Cal. Nov. 28, 2012) (excluding production of civilian 6 complaints for "any improper procedures"); Fisher v. Houser, No. 09-cv-2572-JM (BGS), 7 2010 U.S. Dist. LEXIS 124519, at *5 (S.D. Cal. Nov. 23, 2010) (excluding production of 8 civilian complaints for "any other improprieties"). 9 Accordingly, the Court SUSTAINS, IN PART, the County's objection that 10 Plaintiff's RFP No. 4 is not proportional to the needs of the case. In response to Plaintiff's 11 RFP No. 4, the County

SHALL produce documents relating to written citizen complaints 12 against Defendant Ramos for excessive force, false arrest, retaliation, and/or lack of 13 candor/untruthfulness. 14 2. Request for Production No. 5 15 Next, the County argues that Plaintiff's RFP No. 5 should be limited to those 16 documents involving "sustained findings of excessive force." Opposition at 18. The County 17 indicates that deputies are required "to prepare a written report after any use of force 18 regardless of whether there were any injuries incident to the use of force and regardless of 19 whether there was a later finding that such a use of force was excessive." Id. As such, 20 documents responsive to RFP No. 5 would include "arrest reports, body worn camera 21 footage, property and evidence photographs, and numerous other documents incident to 22 each and every use of force throughout the course of [Defendant] Ramos' career," 23 regardless of whether excessive force occurred or was even alleged. Id. 24 The County's proposed limitation is too narrow. Prior use of force records, even 25 those that did not result in injury or a "finding of excessive force," could still be useful to 26 Plaintiff to establish a pattern of behavior by Defendant Ramos. Nevertheless, as worded, 27 RFP No. 5 is overbroad to the extent it captures every instance where Defendant Ramos 28 used force throughout his career with the Sheriff's Department. Because Plaintiff alleges 1 excessive use of force, the Court finds that documents regarding incidents involving claims 2 of excessive use of force, irrespective of whether the incident results in injury or a sustained 3 finding of excessive force, is an appropriate limitation. 4 Accordingly, the Court SUSTAINS, IN PART, the County's objection that 5 Plaintiff's RFP No. 5 is not proportional to the needs of the case. In response to Plaintiff's 6 RFP No. 5, the County SHALL produce documents relating to any incidents involving 7 claims of excessive use of force by Defendant Ramos, irrespective of whether the incident 8 resulted in injury or a sustained finding of excessive force. 9 3. Request for Production No. 8 10 The County similarly objects to Plaintiff's RFP No. 8, seeking records related to the 11 arrest of Thomas Ross on December 17, 2020, on the grounds that the incident did not 12 involve a sustained finding of excessive force. Id. at 16–18.5 For the same reasons 13 discussed above regarding RFP No. 5, the County's proposed limitation is too narrow. And 14 to the extent the Ross Documents involved an incident with claims of excessive force, see

15 Motion at 8–9 and 14, the Court finds that RFP No. 8 is proportional to the needs of this

16 case. Therefore, the Court OVERRULES the County's objection that Plaintiff's RFP No. 17 8 is overbroad and not proportional to the needs of this case. The County SHALL produce 18 the Ross Documents in response to Plaintiff's RFP No. 8. 19 D. Privacy 20 Lastly, the County argues that disclosure of all civilian complaints and use of force 21 records pertaining to Defendant Ramos is "a significant invasion of his privacy," which 22 "outweigh[s] discovery requests for which there is no apparent need." Opposition at 19. 23 "Federal courts ordinarily recognize a constitutionally-based right of privacy that 24 can be raised in response to discovery requests." Stuart v. Cnty. of Riverside, No. 22-cv- 25 26 27 5 The Court recently dismissed Thomas Ross' claims, finding that Defendant Ramos' use of force was not excessive. See Ross v. County of San

Diego, No. 3:21-cv-02130-JO- 28 1 701, 2023 U.S. Dist. LEXIS 132737, at *5 (C.D. Cal. June 15, 2023) (quoting Keith H. v. 2 Long Beach Unified School Dist., 228 F.R.D. 652, 657 (C.D. Cal. 2005)). “[R]esolution of 3 a privacy objection . . . requires a balancing of the need for the information sought against 4 the privacy right asserted.” Id. “In the context of the disclosure of police files, courts 5 recognize that privacy rights are not inconsequential and should be given some weight.” 6 Roettgen, 2016 U.S. Dist. LEXIS 60047, at *15 (internal quotations omitted) (citing Kelly, 7 114 F.R.D. at 656). 8 However, “district courts in the Ninth Circuit have found that the privacy interests 9 police officers have in their personnel files do not outweigh the civil rights plaintiff’s need 10 for the documents.” Id. (quoting Soto, 162 F.R.D. at 617). Additionally, “privacy 11 objections can be appropriately addressed by: (1) redacting any personal identifying 12 information from the documents produced; and (2) producing documents under a protective 13 order to minimize any invasion into the individuals [sic] privacy rights.” Stuart, 2023 U.S. 14 Dist. LEXIS 132737, at *5–6 (citing Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 15 1122, 1130 (9th Cir. 2003)). 16 Here, other than asserting a general privacy objection, the County fails to articulate 17 any harm or address why redactions of personal identifying information and the Court’s 18 Protective Order do not mitigate any privacy concerns. See Kelly, 114 F.R.D. at 669 19 (finding that the government must articulate what privacy interests would be harmed, how 20 disclosure under a protective order would cause the harm, and how much harm would 21 occur); Lengyel v. Cnty. of San Diego, No. 05cv0164-JM (BLM), 2006 U.S. Dist. LEXIS 22 108055, at *9 (S.D. Cal. Apr. 4, 2006) (“Defendants have not provided any specific reason 23 why the privacy interests . . . could not be addressed by the executed protective order.”). 24 Instead, the County admits these measures “might reduce the invasion of privacy,” but then 25 argues that the privacy invasion is not warranted in the first place. Opposition at 18–19. 26 The County’s argument rests on the assumption that the Documents are neither relevant 27 nor proportional to the needs of this case. See id at 19. The Court disagrees with this 28 premise. For the reasons already articulated, the Documents are relevant to Plaintiff’s 1 claims, and RFP Nos. 4, 5, and 8, as limited by the Court above, are proportional to the 2 needs of this case. 3 In the absence of any identified harm or explanation as to why the Protective Order 4 and appropriate redactions would not adequately address the County’s privacy concerns, 5 the Court finds that Plaintiff’s need for the discovery at issue in this civil rights action 6 outweighs Defendant Ramos’ privacy interest. Accordingly, the Court OVERRULES, IN 7 PART, the County’s privacy objections as to Plaintiff’s RFP Nos. 4, 5, and 8. Prior to 8 disclosure of documents responsive to Plaintiff’s RFP Nos. 4, 5, and 8, the County may 9 redact Defendant Ramos’ personal identifying information, including, but not limited to, 10 the following: date of birth, social security number, address, phone number, and email 11 address.

12 IV. CONCLUSION

13 For the reasons set forth above, the Court GRANTS IN PART the Motion and 14 ORDERS the following: 15 1. The County may REDACT Defendant Ramos’ personal identifying 16

information, including, but not limited to, his date of birth, social security number, address, 17 phone number, and email address, from any documents produced in response to Plaintiff’s 18 RFP Nos. 4, 5, and 8. The County may redact the same information for any third parties. 19 2. No later than May 9, 2025, in response to Plaintiff’s RFP No. 4, the County 20 SHALL produce documents, including any IA Documents, relating to or reflecting any 21 written citizen complaints against Nicolai Ramos, since the commencement of his 22 employment with the San Diego County Sheriff’s Department, for excessive force, false 23 arrest, retaliation, and/or lack of candor/untruthfulness. 24 3. No later than May 9, 2025, in response to Plaintiff’s RFP No. 5, the County 25 SHALL produce documents, including any UOF Records, relating to or reflecting any 26 prior incidents involving claims of excessive use of force by Nicolai Ramos since the 27 commencement of his employment with the San Diego County Sheriff’s Department, 28 1 || irrespective of whether the incident resulted in injury or a sustained finding of excessive 2 || force. 3 4. No later than May 9, 2025, in response to Plaintiff's RFP No. 8, the County 4 || SHALL produce the Ross Documents.

5 IT IS SO ORDERED. [r= Ke

6 Dated: April 29, 2025 7 Hon. Valerie E. Torres United States Magistrate Judge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 15

Retrieved from lawtools.ai · https://lawtools.ai/cases/state/united-states-district-court-for-the-southern-district-of-california-united-states-district-court-fo/2025/burt-v-ramos-rgxgh0li