

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.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Valerie E. Torres
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 29, 2025
DOCKET	3:24-cv-00662-CAB-VET
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 37 to compel production of Internal Affairs records, prior use-of-force records, and documents concerning another arrest. The County opposed the motion based on relevance, proportionality, official-information privilege, and privacy objections.
STANDARD OF REVIEW	Discovery under Federal Rule of Civil Procedure 26(b)(1) is limited to nonprivileged matter relevant to a claim or defense and proportional to the needs of the case. The party seeking discovery bears the burden of showing relevance and proportionality; the resisting party bears the burden of substantiating objections. A party asserting official-information privilege must first make a substantial threshold showing, after which the court balances governmental and privacy interests against the need for disclosure.

PRECEDENTIAL VALUE	unpublished
PARTIES	Jamel Burt v. Nicolai Ramos, in his individual capacity, County of San Diego

TOPICS

discovery dispute civil rights damages civil procedure relevance

PRACTICE AREAS

civil procedure civil rights discovery evidence remedies

QUESTIONS PRESENTED

1. Whether records concerning Ramos's prior complaints, use-of-force incidents, and the Ross incident were relevant and proportional to the needs of the civil-rights action, including Burt's punitive-damages claim.
2. Whether the County properly invoked the federal official-information privilege to withhold the requested records.
3. Whether the County's generalized privacy objections outweighed Burt's need for the requested discovery.
4. What proportionality limitations should apply to Requests for Production Nos. 4 and 5.

HOLDINGS

1. In a § 1983 excessive-force action in which punitive damages are sought, records concerning an officer's prior misconduct, citizen complaints, Internal Affairs investigations, and use-of-force incidents may be relevant to punitive damages, motive, intent, credibility, and a possible continuing course of conduct.
2. A party asserting the federal official-information privilege must make a substantial threshold showing, including a declaration or affidavit from a responsible official with personal knowledge and specific information concerning the governmental or privacy interests threatened by disclosure. Failure to make that showing defeats the privilege objection.
3. Request No. 4 was overbroad and disproportionate as written, but the County must produce written citizen complaints against Ramos concerning excessive force, false arrest, retaliation, or lack of candor or untruthfulness.
4. Request No. 5 was overbroad as written, but the County must produce records concerning any prior incident involving a claim of excessive use of force by Ramos, regardless of whether the incident resulted in injury or a sustained finding of excessive force.
5. The Ross Documents were relevant and proportional, and the County was required to produce them.
6. Generalized privacy objections did not outweigh Burt's need for relevant and proportional civil-rights discovery where personal identifying information could be redacted and production could occur under a protective order.

KEY QUOTATIONS

“Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case” (at 5–9)

“Unsupported assertions that discovery requests are overbroad, burdensome, or disproportionate are insufficient” (at 6–9)

“the party asserting the privilege . . . must properly invoke the privilege by making a substantial threshold showing.” (at 6–24)

“In the absence of any identified harm or explanation as to why the Protective Order and appropriate redactions would not adequately address the County’s privacy concerns, the Court finds that Plaintiff’s need for the discovery at issue in this civil rights action outweighs Defendant Ramos’ privacy interest.” (at 6–22)

FACTUAL BACKGROUND

Burt alleges that, after Deputy Nicolai Ramos stopped a truck in which Burt was a passenger on December 18, 2022, Ramos handcuffed Burt, pulled him to his feet, and slammed his face against a concrete sidewalk, breaking his teeth. Burt asserts claims under 42 U.S.C. § 1983, including excessive force, retaliation, and false arrest, and seeks punitive damages. He sought records concerning Ramos's prior Internal Affairs investigations, prior use-of-force incidents, and the December 17, 2020 arrest of Thomas Ross, which allegedly also involved excessive force claims against Ramos.

PROCEDURAL HISTORY

Burt filed a civil-rights action arising from an alleged use of excessive force during a traffic stop and sought discovery concerning Defendant Ramos's prior conduct. The County withheld or objected to production of records identified in its privilege log and lodged the documents for in camera review. The court granted the motion in part, overruled the official-information privilege and most relevance and privacy objections, and limited two requests as disproportionate.

DISPOSITION

other

CASES CITED

- *Doughtery v. City of Covina*, 654 F.3d 892, 900 (9th Cir. 2011)
- *Plumeau v. Sch. Dist. No. 40 Cnty. of Yamhill*, 130 F.3d 432, 438 (9th Cir. 1997)
- *In re Bank of Am. Cal. Unemployment Bens. Litig.*, No. 21MD2992-GPC(MSB), 2024 U.S. Dist. LEXIS 111988, at *20–21 (S.D. Cal. June 25, 2024)
- *Soler v. County of San Diego*, No. 14cv2470-MMA (RBB), 2016 U.S. Dist. LEXIS 197050, at *16, *22 (S.D. Cal. July 18, 2016)
- *SmarterSwipe, Inc. v. Navarrete*, No. 2:24-cv-00299-CDS-MDC, 2025 U.S. Dist. LEXIS 12328, at *5 (D. Nev. Jan. 22, 2025)

- Blankenship v. Hearst Corp., 519 F.2d 418, 429 (9th Cir. 1975)
- Sanchez v. City of Santa Ana, 936 F.2d 1027, 1033 (9th Cir. 1991)
- Kerr v. United States District Court for the Northern District of California, 511 F.2d 192, 198 (9th Cir. 1975), *aff'd*, 426 U.S. 394 (1976)
- Rogers v. Giurbino, 288 F.R.D. 469, 481 (S.D. Cal. 2012)
- Soto v. City of Concord, 162 F.R.D. 603, 613, 617, 620 (N.D. Cal. 1995)
- J.A.M. v. United States, No. 22-cv-380, 2023 U.S. Dist. LEXIS 75412, at *9 (S.D. Cal. Apr. 28, 2023)
- Moore v. Duran, No. 23-cv-194-GPC-DDL, 2024 U.S. Dist. LEXIS 81429, at *6 (S.D. Cal. May 3, 2024)
- Smith v. Wade, 461 U.S. 30, 56 (1983)
- Dang v. Cross, 422 F.3d 800, 807 (9th Cir. 2005)
- Hampton v. City of San Diego, 147 F.R.D. 227, 229 (S.D. Cal. 1993)
- Myles v. County of San Diego, No. 15cv1985-BEN (BLM), 2016 U.S. Dist. LEXIS 59452, at *41–42 (S.D. Cal. May 4, 2016)
- Lux v. Buchanan, No. 2:23-cv-00839-MMD-NJK, 2024 U.S. Dist. LEXIS 67221, at *3 (D. Nev. Apr. 12, 2024)
- Medimpact Healthcare Sys. v. Iqvia Inc., No. 19-cv-1865-GPC (DEB), 2021 U.S. Dist. LEXIS 233524, at *5 (S.D. Cal. July 15, 2021)
- Wagner Aeronautical, Inc. v. Dotzenroth, No. 21-cv-0994-L-AGS, 2022 U.S. Dist. LEXIS 10961, at *4 (S.D. Cal. Jan. 20, 2022)
- Darraj v. County of San Diego, No. 11cv1657-AJB (BGS), 2012 U.S. Dist. LEXIS 168968, at *7 (S.D. Cal. Nov. 28, 2012)
- Fisher v. Houser, No. 09-cv-2572-JM (BGS), 2010 U.S. Dist. LEXIS 124519, at *5 (S.D. Cal. Nov. 23, 2010)
- Ross v. County of San Diego, No. 3:21-cv-02130-JO-701, 2023 U.S. Dist. LEXIS 132737, at *5 (C.D. Cal. June 15, 2023)
- Keith H. v. Long Beach Unified School District, 228 F.R.D. 652, 657 (C.D. Cal. 2005)
- Stuart v. County of Riverside, No. 22-cv-701, 2023 U.S. Dist. LEXIS 132737, at *5–6 (C.D. Cal. June 15, 2023)
- Roettgen v. Foston, No. 13cv1101-GPC-BGS, 2016 U.S. Dist. LEXIS 60047, at *15, *24 (S.D. Cal. May 4, 2016)
- Kelly v. City of San Jose, 114 F.R.D. 653, 656, 661, 669 (N.D. Cal. 1987)
- Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1130 (9th Cir. 2003)