

# **EXHIBIT 1**

1 THOMAS E. MONTGOMERY, County Counsel  
County of San Diego  
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5  
6 Attorneys for Defendants County of San Diego, William Gore, Alfred Joshua, M.D.,  
Anthony Adraneda (erroneously sued as Anthony Adraneda), Barbara Lee, Laura  
7 Coyne, Michael Lawson, John Douthitt, Julio Rodriguez, Charles Delacruz, Diego Lopez,  
Aaron Vrabel, Jorge Enciso, Tanner Sherman, Christopher Simms, Ryan Seabron  
8 (erroneously sued as Ryan Seaborn), Harvey Seeley, Cesar Ceballos and Joseph Navarro  
(erroneously sued as Sgt. Navarro)

9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11  
12 THE ESTATE OF PAUL SILVA by and  
through its successors-in-interest LESLIE  
13 ALLEN and MANUEL SILVA, MANUEL  
SILVA, and LESLIE ALLEN,

14 Plaintiffs,

15 v.

16 CITY OF SAN DIEGO; SHELLEY  
17 ZIMMERMAN in her individual  
capacity; ANDREW MURROW;  
18 THOMAS DERISIO; LOUIS MAGGI;  
COUNTY OF SAN DIEGO; WILLIAM  
19 GORE, in his individual capacity;  
BARBARA LEE, in her individual capacity;  
20 ALFRED JOSHUA, in his  
individual capacity; ANTHONY  
21 ADRANEDA; KERI CAVALLO;  
MARK O'BRIEN; LAURA  
22 COYNE; MICHAEL LAWSON;  
JOHN DOUTHITT; JULIO  
23 RODRIGUEZ; CHARLES  
DELACRUZ; DIEGO LOPEZ;  
24 AARON VRABEL; JORGE ENCISO;  
TANNER SHERMAN; CHRISTOPHER  
25 SIMMS; RYAN SEABORN; HARVEY  
SEELEY; CESAR CEBALLOS; SGT.  
26 NAVARRO; TRI-CITY MEDICAL  
CENTER; COAST HOSPITALIST  
27 MEDICAL ASSOCIATES, INC.;  
COAST CORRECTIONAL  
28 MEDICAL GROUP; and DOES 24-  
100

Defendants.

No. 18-cv-2282-L-MSB

**DEFENDANT COUNTY OF SAN  
DIEGO'S RESPONSE TO  
PLAINTIFF'S SPECIAL  
INTERROGATORIES**

(SET TWO)

1 PROPOUNDING PARTY: ESTATE OF PAUL SILVA, Plaintiff  
2 RESPONDING PARTY: COUNTY OF SAN DIEGO, Defendant  
3 SET NO.: TWO (2)

4 **PRELIMINARY STATEMENT**

5 Responding Party has not yet completed the investigation or discovery relating to  
6 this case and has not completed preparation for trial. The following responses are based  
7 on, and are therefore necessarily limited by, the records and information in existence,  
8 presently recollected and thus far discovered in the course of preparing these responses.  
9 Therefore, these responses are given without prejudice to Responding Party's right to  
10 produce at trial evidence of any subsequently discovered witnesses, facts, evidence,  
11 information or documents.

12 Except for the facts explicitly stated herein, no incidental or implied admissions are  
13 intended. Responding Party does not waive any claims or potential claims in this  
14 litigation.

15 **GENERAL OBJECTIONS**

16 A. Responding Party objects to all interrogatories that attempt to require  
17 Responding Party to provide information not within its possession, custody, or control, or  
18 not within the possession, custody, or control of any of its representatives, employees,  
19 agents, or attorneys.

20 B. The absence of an objection that an interrogatory is irrelevant is not intended  
21 to be a waiver of that objection and Responding Party reserves the right to object on  
22 relevancy grounds at any stage of these proceedings.

23 C. Where Responding Party objects to an interrogatory, a subsequent response  
24 shall not constitute a waiver of the objection. Furthermore, the failure to restate a general  
25 objection in response to a specific interrogatory does not waive the general objection.

26 D. Responding Party has responded to the interrogatories to the extent of its  
27 current knowledge and available information. However, Responding Party's discovery  
28 and investigation in preparation for trial of this matter has not been completed as of the

1 date of these responses, and therefore Responding Party does not purport to state  
2 anything more than the information presently known to or discovered by it. Responding  
3 Party specifically reserves the right to supplement, modify, or amend its responses or to  
4 present additional information at a later date.

5 E. Due to the fact that there are thousands of County-affiliated employees and  
6 officers, and dozens of County-affiliated departments and agencies, and some or all of  
7 their information or records may be privileged and confidential by law, each of the  
8 following responses is (except if otherwise specifically stated) limited to non-privileged,  
9 non-confidential matter known or reasonably available to the individual responding  
10 parties, and to non-privileged, non-confidential matter contained in any relevant records  
11 of Responding Party. Unless privileged and confidential matter has been expressly called  
12 for in the discovery requests, these responses assume that no such matter is being sought.  
13 Failure in these responses to invoke privilege and confidentiality with specificity in  
14 response to general discovery requests is not intended as a waiver of any applicable  
15 privilege or confidentiality.

16 Referring and expressly incorporating each of these general objections,  
17 Responding Party responds as follows:

18 **SPECIAL INTERROGATORY NO. 6:**

19 For the time period of February 20, 2013 to February 20, 2018, did YOU conduct  
20 any internal review, audit, or investigation regarding YOUR employees' failure to  
21 conduct proper cell checks at any COUNTY Jail?

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

23 Responding Party objects to the interrogatory on the grounds that it is vague and  
24 ambiguous as to the phrase "internal review, audit, or investigation." The interrogatory  
25 also assumes facts regarding the existence of any alleged "failure to conduct proper cell  
26 checks" by Sheriff's Department employees. It is overbroad as to time and unduly  
27 burdensome and not proportional to the needs of the case in light of the factors set forth  
28 in Federal Rules of Civil Procedure, rule 26(b)(1). This interrogatory seeks materials

1 protected from disclosure in that they may contain information pertaining to remedial  
2 measures and disciplinary recommendations, materials protected from disclosure by the  
3 deliberative process, self-critical analysis, required reports, and official information  
4 privileges, and privileged material subject to disclosure under California Penal Code  
5 section 832.7(a) and Evidence Code section 1043. The interrogatory violates the right of  
6 privacy, including the California Constitution, Article 1, Section 1. Additionally, this  
7 interrogatory is objected to on the grounds that any critical incident review documents  
8 would be protected from disclosure by the attorney-client privilege and work-product  
9 doctrine. Subject to the foregoing objections, and without waiving them, Responding  
10 Party responds as follows:

11 Responding Party currently lacks the necessary resources and information to  
12 respond to this interrogatory. Discovery and investigation are continuing, and  
13 Responding Party hereby expressly reserves its rights to supplement, amend, or modify  
14 its response.

15 **SPECIAL INTERROGATORY NO. 7:**

16 If your response to Interrogatory No. 6 is yes, please IDENTIFY any documents,  
17 writings, or tangible things reflecting the results of that internal review, audit, or  
18 investigation.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

20 Responding Party currently lacks the necessary resources and information to  
21 respond to this interrogatory. Discovery and investigation are continuing, and  
22 Responding Party hereby expressly reserves its rights to supplement, amend, or modify  
23 its response.

24 **SPECIAL INTERROGATORY NO. 8:**

25 For the time period of February 20, 2013 to February 20, 2018, did YOU conduct  
26 any internal review, audit, or investigation regarding the failure of emergency call buttons  
27 to function inside jail cells, whether it was by staff turning down or turning off the  
28 volume, or by mechanical problems?

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

2 Responding Party objects to the interrogatory on the grounds that it is vague and  
3 ambiguous as to the phrase “internal review, audit, or investigation.” The interrogatory  
4 also assumes facts regarding the existence of any alleged “failure of emergency call  
5 buttons to function inside jail cells, whether it was by staff turning down or turning off  
6 the volume, or by mechanical problems” by Sheriff’s Department employees. It is  
7 overbroad as to time and unduly burdensome and not proportional to the needs of the  
8 case in light of the factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1).  
9 This interrogatory seeks materials protected from disclosure in that they may contain  
10 information pertaining to remedial measures and disciplinary recommendations,  
11 materials protected from disclosure by the deliberative process, self-critical analysis,  
12 required reports, and official information privileges, and privileged material subject to  
13 disclosure under California Penal Code section 832.7(a) and Evidence Code section  
14 1043. The interrogatory violates the right of privacy, including the California  
15 Constitution, Article 1, Section 1. Additionally, this interrogatory is objected to on the  
16 grounds that any critical incident review documents would be protected from disclosure  
17 by the attorney-client privilege and work-product doctrine. Subject to the foregoing  
18 objections, and without waiving them, Responding Party responds as follows:

19 Responding Party currently lacks the necessary resources and information to  
20 respond to this interrogatory. Responding Party refers to the following previously  
21 produced document: San Diego Sheriff’s Department Follow-Up Investigative Report by  
22 Det. Murtaugh (CSD000054 to CSD000079). Discovery and investigation are  
23 continuing, and Responding Party hereby expressly reserves its rights to supplement,  
24 amend, or modify its response.

25 **SPECIAL INTERROGATORY NO. 9:**

26 If your response to Interrogatory No. 8 is yes, please IDENTIFY any documents,  
27 writings, or tangible things reflecting the results of that internal review, audit, or  
28 investigation.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

2 Responding Party currently lacks the necessary resources and information to  
3 respond to this interrogatory. Responding Party refers to the following previously  
4 produced document: San Diego Sheriff’s Department Follow-Up Investigative Report by  
5 Det. Murtaugh (CSD000054 to CSD000079). Discovery and investigation are  
6 continuing, and Responding Party hereby expressly reserves its rights to supplement,  
7 amend, or modify its response.

8 **SPECIAL INTERROGATORY NO. 10:**

9 For the time period of February 20, 2013 to February 20, 2018, did YOU conduct  
10 any internal review, audit, or investigation regarding YOUR employees’ failure or  
11 inability to use Jail Information Management System (JIMS) at any COUNTY Jail?

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

13 Responding Party objects to the interrogatory on the grounds that it is vague and  
14 ambiguous as to the phrase “internal review, audit, or investigation” and “failure or  
15 inability to use “Jail Information Management System (JIMS).” The interrogatory also  
16 assumes facts regarding the existence of any alleged “failure or inability to use Jail  
17 Information Management System (JIMS)” by Sheriff’s Department employees. It is  
18 overbroad as to time and unduly burdensome and not proportional to the needs of the  
19 case in light of the factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1).  
20 This interrogatory seeks materials protected from disclosure in that they may contain  
21 information pertaining to remedial measures and disciplinary recommendations, materials  
22 protected from disclosure by the deliberative process, self-critical analysis, required  
23 reports, and official information privileges, and privileged material subject to disclosure  
24 under California Penal Code section 832.7(a) and Evidence Code section 1043. The  
25 interrogatory violates the right of privacy, including the California Constitution, Article  
26 1, Section 1. Additionally, this interrogatory is objected to on the grounds that any  
27 critical incident review documents would be protected from disclosure by the attorney-  
28 client privilege and work-product doctrine. Subject to the foregoing objections, and

1 without waiving them, Responding Party responds as follows:

2 Responding Party currently lacks the necessary resources and information to  
3 respond to this interrogatory. Discovery and investigation are continuing, and  
4 Responding Party hereby expressly reserves its rights to supplement, amend, or modify  
5 its response.

6 **SPECIAL INTERROGATORY NO. 11:**

7 If your response to Interrogatory No. 10 is yes, please IDENTIFY any documents,  
8 writings, or tangible things reflecting the results of that internal review, audit, or  
9 investigation.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

11 Responding Party currently lacks the necessary resources and information to  
12 respond to this interrogatory. Discovery and investigation are continuing, and  
13 Responding Party hereby expressly reserves its rights to supplement, amend, or modify  
14 its response.

15 **SPECIAL INTERROGATORY NO. 12:**

16 For the time period of February 20, 2013 to February 20, 2018, please state the  
17 name of each inmate whose in-custody death was investigated or reviewed by CLERB.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

19 Responding Party objects that the interrogatory seeks information that is irrelevant  
20 to the subject matter of this action, not reasonably calculated to lead to the discovery of  
21 admissible evidence, and not proportional to the needs of the case. Accordingly, the  
22 interrogatory is overbroad, oppressive, and burdensome. Responding Party further  
23 objects on the grounds that it lacks foundation and assumes facts. Specifically, case files  
24 and documents in the custody of CLERB are not accessible by Responding Party. Case  
25 files and documents in the possession and custody of CLERB must be subpoenaed by the  
26 parties to the lawsuit, and are therefore equally available to all parties. Subject to the  
27 foregoing objections, and without waiving them, Responding Party responds as follows:

28 Responding Party has obtained the following document from CLERB's publicly



1 accessible website: CLERB finding issued on February 20, 2020 regarding Paul Silva.  
2 (CSD001490 to CSD001496). Discovery and investigation are continuing and  
3 Responding Party reserves the right to amend, modify or supplement its response.

4 **SPECIAL INTERROGATORY NO. 13:**

5 Please IDENTIFY all documents, writings, and tangible things related to CLERB's  
6 investigation of in-custody deaths identified in response to Special Interrogatory no. 12.

7 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

8 Responding Party objects that the interrogatory seeks information that is irrelevant  
9 to the subject matter of this action, not reasonably calculated to lead to the discovery of  
10 admissible evidence, and not proportional to the needs of the case. Accordingly, the  
11 interrogatory is overbroad, oppressive, and burdensome. Responding Party further  
12 objects on the grounds that it lacks foundation and assumes facts. Specifically, case files  
13 and documents in the custody of CLERB are not accessible by Responding Party. Case  
14 files and documents in the possession and custody of CLERB must be subpoenaed by the  
15 parties to the lawsuit, and are therefore equally available to all parties. Subject to the  
16 foregoing objections, and without waiving them, Responding Party responds as follows:

17 Responding Party has obtained the following document from CLERB's publicly  
18 accessible website: CLERB finding issued on February 20, 2020 regarding Paul Silva.  
19 (CSD001490 to CSD001496). Discovery and investigation are continuing and  
20 Responding Party reserves the right to amend, modify or supplement its response.

21 **SPECIAL INTERROGATORY NO. 14:**

22 For the period of February 20, 2013 to February 20, 2018, did YOU or any of  
23 YOUR agents, employees, or officials within the Sheriff's Department disagree with, or  
24 reject, any recommendation by CLERB to discipline any Sheriff's Department  
25 employee?

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 14:**

27 Responding Party objects to the interrogatory on the grounds that it is overbroad as  
28 to time and unduly burdensome and not proportional to the needs of the case in light of

1 the factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1). The interrogatory  
2 also assumes facts regarding the existence of any alleged “recommendation by CLERB to  
3 discipline any Sheriff’s Department employee.” Subject to the foregoing objections, and  
4 without waiving them, Responding Party responds as follows:

5 Responding Party did not receive any “recommendation by CLERB to discipline  
6 any Sheriff’s Department employee” during the time referenced in the interrogatory.  
7 Discovery and investigation are continuing, and Responding Party hereby expressly  
8 reserves its rights to supplement, amend, or modify its response.

9 **SPECIAL INTERROGATORY NO. 15:**

10 If your response to Interrogatory No. 14 is yes, please IDENTIFY any documents,  
11 writings, or tangible things reflecting YOUR disagreement with, or rejection of, any  
12 recommendation by CLERB to discipline any Sheriff’s Department employee.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 15:**

14 Responding Party is not in possession of any documents responsive to this request.  
15 A diligent and reasonable search was conducted for the requested records. Discovery and  
16 investigation are continuing, and Responding Party hereby expressly reserves its rights to  
17 supplement, amend, or modify its response.

18 **SPECIAL INTERROGATORY NO. 16:**

19 For the time period of February 20, 2015 to February 20, 2018, did the Sheriff’s  
20 Department’s Critical Incident Review Board (CIRB) conduct any internal review, audit,  
21 or investigation of any incident involving the use of force by YOUR officer, deputy,  
22 employee, or agent?

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

24 Responding Party objects to the interrogatory on the grounds that it is vague and  
25 ambiguous as to the scope and identity of the individuals described by the phrase “YOUR  
26 officer, deputy, employee, or agent.” It is also vague and ambiguous as to the phrase  
27 “internal review, audit, or investigation.” It is overbroad as to time and unduly  
28 burdensome and not proportional to the needs of the case in light of the factors set forth

1 in Federal Rules of Civil Procedure, rule 26(b)(1). This interrogatory seeks materials  
2 protected from disclosure in that they may contain information pertaining to remedial  
3 measures and disciplinary recommendations, materials protected from disclosure by the  
4 deliberative process, self-critical analysis, required reports, and official information  
5 privileges, and privileged material subject to disclosure under California Penal Code  
6 section 832.7(a) and Evidence Code section 1043. The interrogatory violates the right of  
7 privacy, including the California Constitution, Article 1, Section 1. Additionally, this  
8 interrogatory is objected to on the grounds that any critical incident review documents  
9 would be protected from disclosure by the attorney-client privilege and work-product  
10 doctrine.

11 **SPECIAL INTERROGATORY NO. 17:**

12 If your response to Interrogatory No. 16 is yes, please provide a factual description  
13 of each incident in which force was used that CIRB reviewed and/or investigated.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 17:**

15 Responding Party objects to the interrogatory on the grounds that it is vague and  
16 ambiguous as to the scope and identity of the individuals described by the phrase “YOUR  
17 officer, deputy, employee, or agent” in Special Interrogatory 16. It is also vague and  
18 ambiguous as to the phrase “internal review, audit, or investigation” Special Interrogatory  
19 16. It is overbroad as to time and unduly burdensome and not proportional to the needs  
20 of the case in light of the factors set forth in Federal Rules of Civil Procedure, rule  
21 26(b)(1). This interrogatory seeks materials protected from disclosure in that they may  
22 contain information pertaining to remedial measures and disciplinary recommendations,  
23 materials protected from disclosure by the deliberative process, self-critical analysis,  
24 required reports, and official information privileges, and privileged material subject to  
25 disclosure under California Penal Code section 832.7(a) and Evidence Code section  
26 1043. The interrogatory violates the right of privacy, including the California  
27 Constitution, Article 1, Section 1. Additionally, this interrogatory is objected to on the  
28 grounds that any critical incident review documents would be protected from disclosure

1 by the attorney-client privilege and work-product doctrine.

2 **SPECIAL INTERROGATORY NO. 18:**

3 If your response to Interrogatory No. 16 is yes, please IDENTIFY any documents,  
4 writings, or tangible things reflecting CIRB's internal review, audit, or investigation of  
5 any use-of-force incident.

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**RESPONSE TO SPECIAL INTERROGATORY NO. 18:**

Responding Party objects to the interrogatory on the grounds that it is vague and ambiguous as to the scope and identity of the individuals described by the phrase “YOUR officer, deputy, employee, or agent” in Special Interrogatory 16. It is also vague and ambiguous as to the phrase “internal review, audit, or investigation” in Special Interrogatory 16. It is overbroad as to time and unduly burdensome and not proportional to the needs of the case in light of the factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1). This interrogatory seeks materials protected from disclosure in that they may contain information pertaining to remedial measures and disciplinary recommendations, materials protected from disclosure by the deliberative process, self-critical analysis, required reports, and official information privileges, and privileged material subject to disclosure under California Penal Code section 832.7(a) and Evidence Code section 1043. The interrogatory violates the right of privacy, including the California Constitution, Article 1, Section 1. Additionally, this interrogatory is objected to on the grounds that any critical incident review documents would be protected from disclosure by the attorney-client privilege and work-product doctrine.

DATED: June 1, 2020

THOMAS E. MONTGOMERY, County Counsel

By:   
ROBERT A. ORTIZ, Senior Deputy  
Attorneys for Defendants County of San Diego,  
William Gore, Alfred Joshua, M.D., Anthony  
Adraneda (erroneously sued as Anthony  
Adraneda), Barbara Lee, Laura Coyne, Michael  
Lawson, John Douthitt, Julio Rodriguez, Charles  
Delacruz, Diego Lopez, Aaron Vrabel, Jorge  
Enciso, Tanner Sherman, Christopher Simms,  
Ryan Seabron (erroneously sued as Ryan  
Seaborn), Harvey Seeley, Cesar Ceballos and  
Joseph Navarro (erroneously sued as Sgt. Navarro)

1 *The Estate of Paul Silva, et al. v. City of San Diego, et al.*  
2 Southern District of California Case No. 18-cv-02282-L-MSB

3 **VERIFICATION**

4 I, AMANDA LOMNICKY, declare under penalty of perjury that I am a Legal  
5 Advisor for the San Diego County Sheriff's Department, that I am authorized to and do  
6 execute this Verification for and on behalf of said defendant; that I have read the  
7 foregoing **DEFENDANT COUNTY OF SAN DIEGO'S RESPONSES TO SPECIAL**  
8 **INTERROGATORIES (SET TWO)**, and know the contents thereof, and certify that  
9 upon information and belief, I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct.

12 Executed on this 1st day of June 2020, at San Diego, California.

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16 AMANDA LOMNICKY  
17 Legal Advisor  
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1 THOMAS E. MONTGOMERY, County Counsel  
County of San Diego  
2 By ROBERT A. ORTIZ, Senior Deputy (SBN 246849)  
ADAM C. PHILLIPS, Senior Deputy (SBN: 277410)  
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San Diego, California 92101-2469  
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5  
6 Attorneys for Defendants County of San Diego, William Gore, Alfred Joshua, M.D.,  
Anthony Adraneda (erroneously sued as Anthony Adraneda), Barbara Lee, Laura  
7 Coyne, Michael Lawson, John Douthitt, Julio Rodriguez, Charles Delacruz, Diego Lopez,  
Aaron Vrabel, Jorge Enciso, Tanner Sherman, Christopher Simms, Ryan Seabron  
(erroneously sued as Ryan Seaborn), Harvey Seeley, Cesar Ceballos and Joseph Navarro  
8 (erroneously sued as Sgt. Navarro)

9 **IN THE UNITED STATES DISTRICT COURT**

10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11  
12 THE ESTATE OF PAUL SILVA by and  
through its successors-in-interest LESLIE  
13 ALLEN and MANUEL SILVA, MANUEL  
SILVA, and LESLIE ALLEN,

14 Plaintiffs,

15 v.

16 CITY OF SAN DIEGO; SHELLEY  
17 ZIMMERMAN in her individual  
capacity; ANDREW MURROW;  
18 THOMAS DERISIO; LOUIS MAGGI;  
COUNTY OF SAN DIEGO; WILLIAM  
19 GORE, in his individual capacity;  
BARBARA LEE, in her individual capacity;  
20 ALFRED JOSHUA, in his  
individual capacity; ANTHONY  
21 ADRANEDA; KERI CAVALLO;  
MARK O'BRIEN; LAURA  
22 COYNE; MICHAEL LAWSON;  
JOHN DOUTHITT; JULIO  
23 RODRIGUEZ; CHARLES  
DELACRUZ; DIEGO LOPEZ;  
24 AARON VRABEL; JORGE ENCISO;  
TANNER SHERMAN; CHRISTOPHER  
25 SIMMS; RYAN SEABORN; HARVEY  
SEELEY; CESAR CEBALLOS; SGT.  
26 NAVARRO; TRI-CITY MEDICAL  
CENTER; COAST HOSPITALIST  
27 MEDICAL ASSOCIATES, INC.;  
COAST CORRECTIONAL  
28 MEDICAL GROUP; and DOES 24-  
100

Defendants.

) No. 18-cv-02282-L-MSB

)  
) **DEFENDANTS COUNTY OF SAN**  
) **DIEGO'S RESPONSE TO**  
) **PLAINTIFF'S REQUEST FOR**  
) **PRODUCTION OF DOCUMENTS**  
) [SET FOUR]

1 PROPOUNDING PARTY: THE ESTATE OF PAUL SILVA, Plaintiff

2 RESPONDING PARTY: COUNTY OF SAN DIEGO, Defendant

3 SET NO.: FOUR (2)

4 **PRELIMINARY STATEMENT**

5 County of San Diego (“Responding Party”) anticipates that further discovery,  
6 investigation, legal research and analysis will supply additional factual conclusions and  
7 legal contentions. Responding Party reserves the right to rely on such additional  
8 discovery, investigation, legal research and analysis to make such additions, changes, and  
9 variations to these responses as warranted thereby. These responses are made in a good  
10 faith effort to supply as much information and specification as is presently known, but  
11 shall not prejudice Responding Party in relation to further discovery, research, or  
12 analysis.

13 Each response herein is subject to all objections on any grounds that would require  
14 exclusion of all or part of any statement herein as if such request was asked of or  
15 statements contained herein were made by a witness testifying at trial, all such objections  
16 being expressly reserved.

17 No incidental or implied admissions are intended by the responses made herein.  
18 The fact that Responding Party has answered or objected to any request is not an  
19 admission of the existence of any facts set forth or assumed by such request.

20 **GENERAL OBJECTIONS**

21 A. Responding Party objects to all requests that attempt to require Responding  
22 Party to provide information not within its possession, custody, or control, or not within  
23 the possession, custody, or control of any of its representatives, employees, agents, or  
24 attorneys.

25 B. The absence of an objection that a request is irrelevant is not intended to be a  
26 waiver of that objection and Responding Party reserves the right to object on relevancy  
27 grounds at any stage of these proceedings.

28



1 C. Where Responding Party objects to a request, a subsequent response to the  
2 request shall not constitute a waiver of the objection. Furthermore, the failure to restate a  
3 general objection in response to a specific request does not waive the general objection.

4 D. Responding Party has responded to the requests to the extent of its current  
5 knowledge and available information. However, Responding Party's discovery and  
6 investigation in preparation for trial of this matter has not been completed as of the date  
7 of these responses, and therefore Responding Party does not purport to state anything  
8 more than the information presently known to or discovered by it. Responding Party  
9 specifically reserves the right to supplement, modify, or amend its responses or to present  
10 additional information at a later date.

11 E. Due to the fact that there are thousands of County-affiliated employees and  
12 officers, and dozens of County-affiliated departments and agencies, and some or all of  
13 their information or records may be privileged and confidential by law, each of the  
14 following responses is (except if otherwise specifically stated) limited to non-privileged,  
15 non-confidential matter known or reasonably available to the individual responding  
16 parties, and to non-privileged, non-confidential matter contained in any relevant records  
17 of Responding Party. Unless privileged and confidential matter has been expressly called  
18 for in the discovery requests, these responses assume that no such matter is being sought.  
19 Failure in these responses to invoke privilege and confidentiality with specificity in  
20 response to general discovery requests is not intended as waiver of any applicable  
21 privilege or confidentiality.

22 Referring and expressly incorporating each of these general objections,  
23 Responding Party responds as follows:

24 **REQUEST FOR PRODUCTION NO. 29:**

25 For the time period of February 20, 2015 to February 20, 2018, any and all  
26 DOCUMENTS, ELECTRONICALLY STORED INFORMATION, and/or tangible  
27 things RELATED to the National Commission on Correctional Healthcare (NCCHC).

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

2 Responding Party objects to the request on the grounds that it is vague and  
3 ambiguous. It is also overbroad, unduly burdensome and not proportional to the needs of  
4 the case in light of the factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1).  
5 Responding Party also notes that ESI discovery will be conducted pursuant to the terms  
6 of the ESI order (ECF, No. 60). Subject to the foregoing objections, and without waiving  
7 them, Responding Party responds as follows:

8 Responding Party produces County Contract Number 554904 Agreement with  
9 NCCHC dated November 8, 2016 (CSD001511 to CSD001526).

10 **REQUEST FOR PRODUCTION NO. 30:**

11 Any and all contracts with NCCHC, including but not limited to contracts for  
12 assistance REGARDING compliance with the NCCHC Standards for Health Services in  
13 Jails dated November 8, 2016.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

15 Responding Party objects to the request on the grounds that it is vague and  
16 ambiguous. It is also overbroad, unduly burdensome and not proportional to the needs of  
17 the case in light of the factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1).  
18 Responding Party also notes that ESI discovery will be conducted pursuant to the terms  
19 of the ESI order (ECF, No. 60). Subject to the foregoing objections, and without waiving  
20 them, Responding Party responds as follows:

21 Responding Party produces County Contract Number 554904 Agreement with  
22 NCCHC dated November 8, 2016 (CSD001511 to CSD001526).

23 **REQUEST FOR PRODUCTION NO. 31:**

24 For the time period of February 20, 2015 to February 20, 2018, any and all  
25 COMMUNICATIONS between NCCHC and all representatives of the COUNTY  
26 RELATING TO any contract, including but not limited to the contract for assistance  
27 REGARDING compliance with the NCCHC Standards for Health Services in Jails dated  
28 November 8, 2016.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

2 Responding Party objects to the request on the grounds that it is vague and  
3 ambiguous. It is also overbroad, unduly burdensome and not proportional to the needs of  
4 the case in light of the factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1).  
5 Responding Party also notes that ESI discovery will be conducted pursuant to the terms  
6 of the ESI order (ECF, No. 60). Subject to the foregoing objections, and without waiving  
7 them, Responding Party responds as follows:

8 Responding Party produces County Contract Number 554904 Agreement with  
9 NCCHC Resources INC dated November 8, 2016 (CSD001511 to CSD001526).

10 **REQUEST FOR PRODUCTION NO. 32:**

11 For the time period of February 20, 2015 to February 20, 2018, any and all  
12 COMMUNICATIONS between NCCHC and all representatives of the COUNTY  
13 including response COMMUNICATIONS from NCCHC, RELATING TO San Diego  
14 Central Jail's practices.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

16 Responding Party objects to the request on the grounds that it is vague and  
17 ambiguous. It is also overbroad, unduly burdensome and not proportional to the needs of  
18 the case in light of the factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1).  
19 Responding Party also notes that ESI discovery will be conducted pursuant to the terms  
20 of the ESI order (ECF, No. 60). Subject to the foregoing objections, and without waiving  
21 them, Responding Party responds as follows:

22 Responding Party is not in possession of any documents responsive to this request.  
23 A diligent and reasonable search was conducted for the requested records. Discovery and  
24 investigation are continuing, and Responding Party hereby expressly reserves its rights to  
25 supplement, amend, or modify its response.

26 **REQUEST FOR PRODUCTION NO. 33:**

27 Any and all copies of all chronic disease pathway that was in effect at the time of  
28 February 20, 2018 at any of the jails.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

2 Responding Party objects to the request on the grounds that it is vague, ambiguous  
3 and overbroad as to the term “chronic disease pathway” and makes a response impossible  
4 without speculation as the meaning of Requesting Party’s request. Subject to the  
5 foregoing objections, and without waiving them, Responding Party responds as follows:

6 Responding Party produces the San Diego County Sheriff’s Department Medical  
7 Division’s procedures regarding diabetes and psychiatric conditions in effect on the date  
8 of incident:

- 9 • San Diego County Sheriff’s Department Medical Services Division Standardized  
10 Nursing Procedure SNP.D.6.: Diabetes Mellitus (CSD001497 to CSD001500).
- 11 • San Diego County Sheriff’s Medical Services Nursing Guidelines NSG.I.12:  
12 Intake Medical Screening: Medication Verification (CSD001501 to CSD001502).
- 13 • San Diego County Sheriff’s Medical Services Nursing Guidelines NSG.T.8:  
14 Nursing Triage Guideline for MDSC Scheduling (CSD001503 to CSD001507).
- 15 • San Diego County Sheriff’s Medical Services Social Services Guidelines SSG.C.1:  
16 Consultation Request (CSD001508 to CSD001509).
- 17 • San Diego County Sheriff’s Medical Services Nursing/Social Services Guidelines  
18 SSG.M.1: Mental Health Clinician Sick Call Triage (CSD001510).

19 In addition, Responding Party refers to the following previously produced documents:

- 20 • SDSD Medical Services Division Policy and Procedure MSD.I.3: Intake  
21 Receiving/Screening Assessment (CSD001202 to CSD001207).

22 Discovery and investigation are continuing and Responding Party reserves the  
23 right to amend, modify or supplement its response.

24 **REQUEST FOR PRODUCTION NO. 34:**

25 Any and all COMMUNICATIONS REGARDING issues, problems, and/or  
26 inability to use Jail Information Management System (JIMS).

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

2 Responding Party objects to the request on the grounds that it is vague, ambiguous  
3 and overbroad as to the phrase “issues, problems, and/or inability to use” JIMS and  
4 makes a response impossible without speculation as the meaning of Requesting Party’s  
5 request. Responding Party objects that the request seeks information that is irrelevant to  
6 the subject matter of this action, not reasonably calculated to lead to the discovery of  
7 admissible evidence, and not proportional to the needs of the case. Accordingly, the  
8 request is overbroad, oppressive, and burdensome. In addition, the request as phrased  
9 may call for documents protected by the attorney-client privilege and/or the work-product  
10 doctrine. Responding Party also notes that ESI discovery will be conducted pursuant to  
11 the terms of the ESI order (ECF, No. 60). Subject to the foregoing objections, and  
12 without waiving them, Responding Party responds as follows:

13 Responding Party currently lacks the necessary resources and information to  
14 respond to this request. Discovery and investigation are continuing, and Responding  
15 Party hereby expressly reserves its rights to supplement, amend, or modify its response.

16 **REQUEST FOR PRODUCTION NO. 35:**

17 The complete investigation files of CLERB from February 20, 2013 to February  
18 20, 2018 involving all in-custody deaths determined to be homicides by the Medical  
19 Examiner’s Office.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

21 Responding Party objects that the request seeks information that is irrelevant to the  
22 subject matter of this action, not reasonably calculated to lead to the discovery of  
23 admissible evidence, and not proportional to the needs of the case. Accordingly, the  
24 request is overbroad, oppressive, and burdensome. Responding Party further objects on  
25 the grounds that it lacks foundation and assumes facts. Specifically, case files and  
26 documents in the custody of CLERB are not accessible by Responding Party. Case files  
27 and documents in the possession and custody of CLERB must be subpoenaed by the  
28

1 parties to the lawsuit, and are therefore equally available to all parties. Subject to the  
2 foregoing objections, and without waiving them, Responding Party responds as follows:

3 Responding Party has obtained the following document from CLERB’s publicly  
4 accessible website: CLERB finding issued on February 20, 2020 regarding Paul Silva.  
5 (CSD001490 to CSD001496). Discovery and investigation are continuing and  
6 Responding Party reserves the right to amend, modify or supplement its response.

7 **REQUEST FOR PRODUCTION NO. 36:**

8 Any and all DOCUMENTS RELATING TO any personnel or official of the  
9 COUNTY disagreeing with or rejecting CLERB’S recommendation for discipline of any  
10 DEPARTMENT jail employee from February 20, 2013 to February 20, 2018.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

12 Responding Party objects to the request on the grounds that it is overbroad as to  
13 time and unduly burdensome and not proportional to the needs of the case in light of the  
14 factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1). The request also  
15 assumes facts regarding the existence of any alleged CLERB “recommendation for  
16 discipline” of Sheriff’s Department employees. Responding Party also notes that ESI  
17 discovery will be conducted pursuant to the terms of the ESI order (ECF, No. 60).  
18 Subject to the foregoing objections, and without waiving them, Responding Party  
19 responds as follows:

20 Responding Party is not in possession of any documents responsive to this request.  
21 A diligent and reasonable search was conducted for the requested records. Discovery and  
22 investigation are continuing, and Responding Party hereby expressly reserves its rights to  
23 supplement, amend, or modify its response.

24 **REQUEST FOR PRODUCTION NO. 37:**

25 Any and all DOCUMENTS RELATING TO the failure of the emergency call  
26 buttons to function whether it was by staff turning down or turning off the volume or by  
27 mechanical issues or problems.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

2 Responding Party objects to the request on the grounds that it is vague and  
3 ambiguous as to the phrase “internal review, audit, or investigation.” The request also  
4 assumes facts regarding the existence of any alleged “failure of emergency call buttons to  
5 function inside jail cells, whether it was by staff turning down or turning off the volume,  
6 or by mechanical problems” by Sheriff’s Department employees. It is overbroad as to  
7 time and unduly burdensome and not proportional to the needs of the case in light of the  
8 factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1). This request seeks  
9 materials protected from disclosure in that they may contain information pertaining to  
10 remedial measures and disciplinary recommendations, materials protected from  
11 disclosure by the deliberative process, self-critical analysis, required reports, and official  
12 information privileges, and privileged material subject to disclosure under California  
13 Penal Code section 832.7(a) and Evidence Code section 1043. Additionally, this request  
14 is objected to on the grounds that any critical incident review documents would be  
15 protected from disclosure by the attorney-client privilege and work-product doctrine.  
16 Subject to the foregoing objections, and without waiving them, Responding Party  
17 responds as follows:

18 Responding Party currently lacks the necessary resources and information to  
19 respond to this request. Responding Party refers to the following previously produced  
20 document: San Diego Sheriff’s Department Follow-Up Investigative Report by Det.  
21 Murtaugh (CSD000054 to CSD000079). Discovery and investigation are continuing,  
22 and Responding Party hereby expressly reserves its rights to supplement, amend, or  
23 modify its response.

24 **REQUEST FOR PRODUCTION NO. 38:**

25 Any and all DOCUMENTS, including policies and procedures of COUNTY in  
26 effect February 20, 2013 to February 20, 2018, RELATING TO the interaction between  
27 jail deputies and medical staff to an inmate or detainee, including but not limited to the  
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1 observation of the inmate by deputies and/or medical staff who is suspected by jail  
2 medical personnel to be suffering from effects of any kind of stimulant/hallucinogen.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

4 Responding Party objects to the request on the grounds that it is vague and  
5 ambiguous. Subject to the foregoing objections, and without waiving them, Responding  
6 Party responds as follows:

7 Responding Party refers to the following previously produced documents:

- 8 • SDSD Detention Services Bureau- Manual of Policies and Procedures M.9: Intake  
9 Medical Screening (CSD001191 to CSD001193).
- 10 • SDSD Medical Services Division Policy and Procedure MSD.I.3: Intake  
11 Receiving/Screening Assessment (CSD001202 to CSD001207).
- 12 • SDSD Detention Services Bureau- Manual of Policies and Procedures M.5:  
13 Medical Emergencies (CSD001423 to CSD001425).

14 In addition, Responding Party hereby produces the following documents:

- 15 • SDSD Detention Services Bureau- Manual of Policies and Procedures M.6: Life  
16 Threatening Emergencies (CSD001485 to CSD001487).
- 17 • SDSD Detention Services Bureau- San Diego Central Jail Green Sheet M.5.C.1:  
18 Medical Emergencies-Central Command Center (CCC) Response (CSD001488).
- 19 • SDSD Detention Services Bureau- San Diego Central Jail Green Sheet M.6.C.1:  
20 Suspected Opioid Overdose and Naloxone (CSD001489).

21 Discovery and investigation are continuing and Responding Party reserves the  
22 right to amend, modify or supplement its response.

23 **REQUEST FOR PRODUCTION NO. 39:**

24 Any and all DOCUMENTS maintained by Internal Affairs related to Defendants  
25 Barbara Lee, Alfred Joshua, Keri Cavallo, Anthony Adraneda, Michael Lawson, John  
26 Douthitt, Julio Rodriguez, Charles Delacruz, Diego Lopez, Aaron Vrabell, Jorge Enciso,  
27 Tanner Sherman, Christopher Simms, Ryan Seabron, Harvey Seeley, Sgt. Ceballos, Sgt.  
28 Navarro, and Laura Coyne.



1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

2 Responding Party objects that the request seeks information that is irrelevant to the  
3 subject matter of this action, not reasonably calculated to lead to the discovery of  
4 admissible evidence, and not proportional to the needs of the case. Accordingly, the  
5 request is overbroad, oppressive, and burdensome. This request seeks materials protected  
6 from disclosure in that they contain information pertaining to remedial measures and  
7 disciplinary recommendations, materials protected from disclosure by the deliberative  
8 process, self-critical analysis, required reports, and official information privileges, and  
9 privileged material subject to disclosure under California Penal Code section 832.7(a)  
10 and Evidence Code section 1043. The request violates the right of privacy, including the  
11 California Constitution, Article 1, Section 1. See Responding Party's Privilege Log.

12 **REQUEST FOR PRODUCTION NO. 40:**

13 Any and all documents related to the Jail staff's failure to conduct proper cell  
14 checks from February 20, 2013 to February 20, 2018.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

16 Responding Party objects to the request on the grounds that it is vague and  
17 ambiguous. It is also overbroad as to time and unduly burdensome and not proportional  
18 to the needs of the case in light of the factors set forth in Federal Rules of Civil  
19 Procedure, rule 26(b)(1). This request seeks materials protected from disclosure in that  
20 they contain information pertaining to remedial measures and disciplinary  
21 recommendations, materials protected from disclosure by the deliberative process, self-  
22 critical analysis, required reports, and official information privileges, and privileged  
23 material subject to disclosure under California Penal Code section 832.7(a) and Evidence  
24 Code section 1043. The request violates the right of privacy, including the California  
25 Constitution, Article 1, Section 1. In addition, the request as phrased may call for  
26 documents protected by the attorney-client privilege and/or the work-product doctrine.  
27 Responding Party also notes that ESI discovery will be conducted pursuant to the terms  
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1 of the ESI order (ECF, No. 60). Subject to the foregoing objections, and without waiving  
2 them, Responding Party responds as follows:

3 Responding Party currently lacks the necessary resources and information to  
4 respond to this request. Discovery and investigation are continuing, and Responding  
5 Party hereby expressly reserves its rights to supplement, amend, or modify its response.

6 **REQUEST FOR PRODUCTION NO. 41:**

7 Any and all documents, writings, and/or tangible things identified in response to  
8 Special Interrogatory No. 7.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

10 Responding Party currently lacks the necessary resources and information to  
11 respond to this request. Discovery and investigation are continuing, and Responding  
12 Party hereby expressly reserves its rights to supplement, amend, or modify its response.

13 **REQUEST FOR PRODUCTION NO. 42:**

14 Any and all documents, writings, and/or tangible things identified in response to  
15 Special Interrogatory No. 9.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

17 Responding Party currently lacks the necessary resources and information to  
18 respond to this request. Responding Party refers to the following previously produced  
19 document: San Diego Sheriff's Department Follow-Up Investigative Report by Det.  
20 Murtaugh (CSD000054 to CSD000079). Discovery and investigation are continuing,  
21 and Responding Party hereby expressly reserves its rights to supplement, amend, or  
22 modify its response.

23 **REQUEST FOR PRODUCTION NO. 43:**

24 Any and all documents, writings, and/or tangible things identified in response to  
25 Special Interrogatory No. 11.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

2 Responding Party currently lacks the necessary resources and information to  
3 respond to this request. Discovery and investigation are continuing, and Responding  
4 Party hereby expressly reserves its rights to supplement, amend, or modify its response.

5 **REQUEST FOR PRODUCTION NO. 44:**

6 Any and all documents, writings, and/or tangible things identified in response to  
7 Special Interrogatory No. 13.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

9 Responding Party objects that the request seeks information that is irrelevant to the  
10 subject matter of this action, not reasonably calculated to lead to the discovery of  
11 admissible evidence, and not proportional to the needs of the case. Accordingly, the  
12 request is overbroad, oppressive, and burdensome. Responding Party further objects on  
13 the grounds that it lacks foundation and assumes facts. Specifically, case files and  
14 documents in the custody of CLERB are not accessible by Responding Party. Case files  
15 and documents in the possession and custody of CLERB must be subpoenaed by the  
16 parties to the lawsuit, and are therefore equally available to all parties. Subject to the  
17 foregoing objections, and without waiving them, Responding Party responds as follows:

18 Responding Party has obtained the following document from CLERB's publicly  
19 accessible website: CLERB finding issued on February 20, 2020 regarding Paul Silva.  
20 (CSD001490 to CSD001496). Discovery and investigation are continuing and  
21 Responding Party reserves the right to amend, modify or supplement its response.

22 **REQUEST FOR PRODUCTION NO. 45:**

23 Any and all documents, writings, and/or tangible things identified in response to  
24 Special Interrogatory No. 15.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

26 Responding Party objects to the request on the grounds that it is overbroad as to  
27 time and unduly burdensome and not proportional to the needs of the case in light of the  
28 factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1). The request also

1 assumes facts regarding the existence of any alleged CLERB “recommendation for  
2 discipline” of Sheriff’s Department employees. Responding Party also notes that ESI  
3 discovery will be conducted pursuant to the terms of the ESI order (ECF, No. 60).  
4 Subject to the foregoing objections, and without waiving them, Responding Party  
5 responds as follows:

6 Responding Party is not in possession of any documents responsive to this request.  
7 A diligent and reasonable search was conducted for the requested records. Discovery and  
8 investigation are continuing, and Responding Party hereby expressly reserves its rights to  
9 supplement, amend, or modify its response.

10 **REQUEST FOR PRODUCTION NO. 46:**

11 Any and all documents, writings, and/or tangible things identified in response to  
12 Special Interrogatory No. 18.

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**RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

Responding Party objects to the request on the grounds that it is vague and ambiguous as to the scope and identity of the individuals described by the phrase “YOUR officer, deputy, employee, or agent” in Special Interrogatory 16. It is also vague and ambiguous as to the phrase “internal review, audit, or investigation” in Special Interrogatory 16. It is overbroad as to time and unduly burdensome and not proportional to the needs of the case in light of the factors set forth in Federal Rules of Civil Procedure, rule 26(b)(1). This request seeks materials protected from disclosure in that they may contain information pertaining to remedial measures and disciplinary recommendations, materials protected from disclosure by the deliberative process, self-critical analysis, required reports, and official information privileges, and privileged material subject to disclosure under California Penal Code section 832.7(a) and Evidence Code section 1043. The request violates the right of privacy, including the California Constitution, Article 1, Section 1. Additionally, this request is objected to on the grounds that any critical incident review documents would be protected from disclosure by the attorney-client privilege and work-product doctrine.

DATED: June 1, 2020

THOMAS E. MONTGOMERY, County Counsel

By: 

ROBERT A. ORTIZ, Senior Deputy  
Attorneys for Defendants County of San Diego,  
William Gore, Alfred Joshua, M.D., Anthony  
Adraneda (erroneously sued as Anthony  
Adraneda), Barbara Lee, Laura Coyne, Michael  
Lawson, John Douthitt, Julio Rodriguez, Charles  
Delacruz, Diego Lopez, Aaron Vrabel, Jorge  
Enciso, Tanner Sherman, Christopher Simms,  
Ryan Seabron (erroneously sued as Ryan  
Seaborn), Harvey Seeley, Cesar Ceballos and  
Joseph Navarro (erroneously sued as Sgt. Navarro)

**DECLARATION OF SERVICE**

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in the County of San Diego, California. My business address is 1600 Pacific Highway, Room 355, San Diego, California, 92101.

I served the following documents:

**DEFENDANT COUNTY OF SAN DIEGO’S RESPONSE TO PLAINTIFFS’ REQUEST FOR PRODUCTION OF DOCUMENTS, SET FOUR**

**DEFENDANT COUNTY OF SAN DIEGO’S LOG OF PRIVILEGED DOCUMENTS IN RESPONSE TO PLAINTIFFS’ REQUEST FOR PRODUCTION OF DOCUMENTS, SET FOUR**

**DEFENDANT COUNTY OF SAN DIEGO’S RESPONSE TO PLAINTIFF’S INTERROGATORIES, SET TWO**

in the following manner:

**(BY E-MAIL)** By emailing an electronic copy of the documents listed above to the following e-mail address(es):

Grace Jun  
IREDALE & YOO, APC  
105 West F Street, Fourth Floor  
San Diego, CA 92101-6036  
(619) 233-1525  
Fax: (619) 233-3221  
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Attorneys for Defendant City of San Diego

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San Diego, CA 92101  
619-233-5565

Email: [bbloodworth@ldrlaw.com](mailto:bbloodworth@ldrlaw.com)

Attorneys for Defendants Keri Cavallo, Mark O' Brien,  
Coast Hospitalist Medical Associates, Inc. and  
Coast Correctional Medical Group

Executed on June 1, 2020, at San Diego, California.

By: Shawn Choi  
SHAWN CHOI  
Email: [shawn.choi@sdcounty.ca.gov](mailto:shawn.choi@sdcounty.ca.gov)

1 THOMAS E. MONTGOMERY, County Counsel  
County of San Diego  
2 By ROBERT A. ORTIZ, Senior Deputy (SBN 246849)  
ADAM C. PHILLIPS, Senior Deputy (SBN: 277410)  
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5 Attorneys for Defendants County of San Diego, William Gore, Alfred Joshua, M.D.,  
6 Anthony Adraneda (erroneously sued as Anthony Adraneda), Barbara Lee, Laura  
Coyne, Michael Lawson, John Douthitt, Julio Rodriguez, Charles Delacruz, Diego Lopez,  
7 Aaron Vrabel, Jorge Enciso, Tanner Sherman, Christopher Simms, Ryan Seabron  
(erroneously sued as Ryan Seaborn), Harvey Seeley, Cesar Ceballos and Joseph Navarro  
8 (erroneously sued as Sgt. Navarro)

9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12 THE ESTATE OF PAUL SILVA by and )  
through its successors-in-interest LESLIE )  
13 ALLEN and MANUEL SILVA, )  
MANUEL SILVA, and LESLIE ALLEN, )

14 Plaintiffs,

15 v.

16 CITY OF SAN DIEGO; SHELLEY )  
17 ZIMMERMAN in her individual )  
capacity; ANDREW MURROW; )  
18 THOMAS DERISIO; LOUIS MAGGI; )  
COUNTY OF SAN DIEGO; WILLIAM )  
19 GORE, in his individual capacity; )  
BARBARA LEE, in her individual )  
20 capacity; ALFRED JOSHUA, in his )  
individual capacity; ANTHONY )  
21 ADRANEDA; KERI CAVALLO; )  
MARK O'BRIEN; LAURA )  
22 COYNE; MICHAEL LAWSON; )  
JOHN DOUTHITT; JULIO )  
23 RODRIGUEZ; CHARLES )  
DELACRUZ; DIEGO LOPEZ; )  
24 AARON VRABEL; JORGE ENCISO; )  
TANNER SHERMAN; CHRISTOPHER )  
25 SIMMS; RYAN SEABORN; HARVEY )  
SEELEY; CESAR CEBALLOS; SGT. )  
26 NAVARRO; TRI-CITY MEDICAL )  
CENTER; COAST HOSPITALIST )  
27 MEDICAL ASSOCIATES, INC.; )  
COAST CORRECTIONAL )  
28 MEDICAL GROUP; and DOES 24- )  
100 )

Defendants.

No. 18-cv-02282-L-MSB

**DEFENDANT COUNTY OF SAN  
DIEGO'S AMENDED LOG OF  
PRIVILEGED DOCUMENTS IN  
RESPONSE TO PLAINTIFFS'  
REQUEST FOR PRODUCTION OF  
DOCUMENTS**

[ SET FOUR ]



1 The following log is served in response to Plaintiff’s Request for Production of  
 2 Documents to Defendant County of San Diego (Set Four) and sets forth a list of  
 3 confidential and privileged documents with corresponding objections to disclosure and  
 4 production. This privilege log is not intended or offered to be filed, except under seal  
 5 pursuant to court order. This privilege log is not to be disclosed and is subject to the  
 6 terms of the protective order entered in this matter.

7 Objections to production and disclosure specified in the privilege column in the log  
 8 correspond to the objection listed by letter in the table of objections set forth below.

9

10  **GROUNDS FOR OBJECTION**

11 A. Official information privilege – The material is protected from disclosure by the official information privilege.	F. Records compiled for law enforcement purposes are exempt from disclosure.
12 B. Remedial measures: disciplinary recommendations – The material are protected from disclosure because they contain information pertaining to remedial measures and disciplinary recommendations.	G. The material is confidential and privileged subject to disclosure only under CA Penal Code § 832.7 and Evidence Code § 1043 which are applicable to this matter in which supplemental state law claims are asserted.
13 C. Deliberative process: self-critical analysis - The materials are protected from disclosure by the deliberative process and self-critical analysis privileges.	H. Irrelevant – the material is irrelevant, prejudicial, confusing, misleading, not reasonably calculated to lead to the discovery of admissible evidence, not proportional to the needs of the case: Fed. Rules of Evidence § 403.
14 D. Invasion of privacy under Penal Code § 832.8(f): California Constitution, Article 1, Section 1.	I. Attorney client privilege/work product protection
15 E. Federal Privacy – The materials are protected from disclosure under 5 U.S.C. 552a. Federal Privacy Act and U.S. Constitution.	

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24 All objections and privileges protecting the materials from disclosure not otherwise  
 25 specified herein are preserved and are not intended as waiver of any applicable objection,  
 26 privilege or confidentiality.

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**PRIVILEGE LOG**

<b><u>BATES NO.</u></b>	<b><u>DOCUMENT DESCRIPTION TYPE</u></b>	<b>TO</b>	<b>FROM</b>	<b>PARTY ASSERTING PRIVILEGE</b>	<b>OBJECTION</b>
CSDP 000001- 000044	2014-109.1 Reports and Correspondences	IA	IA	County and C. Ceballos	A, B, C, D, E, G and H
CSDP 000045- 000050	2014-109.1 Audio Interviews	IA	IA	County and C. Ceballos	A, B, C, D, E, G and H
CSDP 000051- 000140	2015-037.2 Reports and Correspondences	IA	IA	County and C. Ceballos	A, B, C, D, E, G and H
CSDP 000141- 000152	2015-037.2 Audio Interviews	IA	IA	County and C. Ceballos	A, B, C, D, E, G and H
CSDP 000153- 000154	2015-037.2 Videos	IA	IA	County and C. Ceballos	A, B, C, D, E, G and H
CSDP 000155- 000270	2016-127.1 Reports and Correspondences	IA	IA	County and J. Douthitt	A, B, C, D, E, G and H
CSDP 000271- 000286	2016-127.1 Photos	IA	IA	County and J. Douthitt	A, B, C, D, E, G and H
CSDP 000287- 000296	2016-127.1 Videos	IA	IA	County and J. Douthitt	A, B, C, D, E, G and H
CSDP 000297- 000314	2016-127.1 Audio Interviews	IA	IA	County and J. Douthitt	A, B, C, D, E, G and H
CSDP 000315	2016-127.1 Audio Hearing	IA	IA	County and J. Douthitt	A, B, C, D, E, G and H
CSDP 000316- 000399	2015-163.1 Reports and Correspondences	IA	IA	County and M. Lawson	A, B, C, D, E, G and H
CSDP 000400- 000404	2015-163.1 Audio Interviews	IA	IA	County and M. Lawson	A, B, C, D, E, G and H
CSDP 000405- 000505	2014-263.2 Reports and Correspondences	IA	IA	County and J. Navarro	A, B, C, D, E, G and H

	<b><u>BATES NO.</u></b>	<b><u>DOCUMENT DESCRIPTION TYPE</u></b>	<b>TO</b>	<b>FROM</b>	<b>PARTY ASSERTING PRIVILEGE</b>	<b>OBJECTION</b>
1						
2						
3	CSDP 000506- 000514	2014-263.2 Audio Interviews	IA	IA	County and J. Navarro	A, B, C, D, E, G and H
4						
5	CSDP 000515- 000518	2014-263.2 Videos	IA	IA	County and J. Navarro	A, B, C, D, E, G and H
6						
7	CSDP 000519- 000601	2014-063.1 Reports and Correspondences	IA	IA	County and J. Rodriguez	A, B, C, D, E, G and H
8						
9	CSDP 000602- 000604	2014-063.1 Videos	IA	IA	County and J. Rodriguez	A, B, C, D, E, G and H
10						
11	CSDP 000605- 000614	2014-063.1 Audio Interviews	IA	IA	County and J. Rodriguez	A, B, C, D, E, G and H
12						
13	CSDP 000615- 000701	2015-167.2 Reports and Correspondences	IA	IA	County and J. Rodriguez	A, B, C, D, E, G and H
14						
15	CSDP 000702- 000709	2015-167.2 Audio Interviews	IA	IA	County and J. Rodriguez	A, B, C, D, E, G and H
16						
17	CSDP 000710	2015-167.2 Videos	IA	IA	County and J. Rodriguez	A, B, C, D, E, G and H
18						
19	CSDP 000711- 000801	2016-027.2 Reports and Correspondences	IA	IA	County and J. Rodriguez	A, B, C, D, E, G and H
20						
21	CSDP 000802- 000813	2016-027.2 Audio Interviews	IA	IA	County and J. Rodriguez	A, B, C, D, E, G and H
22	CSDP 000814- 000824	2016-027.2 Jail Videos	IA	IA	County and J. Rodriguez	A, B, C, D, E, G and H
23						
24	CSDP 000825- 000953	2018-060.1 Reports and Correspondences	IA	IA	County and T. Sherman	A, B, C, D, E, G and H
25	CSDP 000954- 000968	2018-060.1 Photos	IA	IA	County and T. Sherman	A, B, C, D, E, G and H
26						
27	CSDP 000969- 000976	2018-060.1 Audio Interviews	IA	IA	County and T. Sherman	A, B, C, D, E, G and H
28	CSDP 000977- 000983	2018-060.1 Videos	IA	IA	County and T. Sherman	A, B, C, D, E, G and H

<u>BATES NO.</u>	<u>DOCUMENT DESCRIPTION TYPE</u>	<u>TO</u>	<u>FROM</u>	<u>PARTY ASSERTING PRIVILEGE</u>	<u>OBJECTION</u>
CSDP 000984-001019	2013-021.1 Reports and Correspondences	IA	IA	County and C. Simms	A, B, C, D, E, G and H
CSDP 001020-001025	2013.021.1 Audio Interviews	IA	IA	County and C. Simms	A, B, C, D, E, G and H
CSDP 001026-001038	2013.021.1 Videos	IA	IA	County and C. Simms	A, B, C, D, E, G and H
CSDP 001039-001079	2015-100.2 Reports and Correspondences	IA	IA	County and A. Vrabel	A, B, C, D, E, G and H
CSDP 001080-001082	2015-100.2 Audio Interviews	IA	IA	County and A. Vrabel	A, B, C, D, E, G and H
CSDP 001083-001085	2015-100.2 Videos	IA	IA	County and A. Vrabel	A, B, C, D, E, G and H
CSDP 001086-001115	2008-156.1 Reports and Correspondences	IA	IA	County and B. Lee	A, B, C, D, E, G and H
CSDP 001116	2008-156.1 Audio Hearing	IA	IA	County and B. Lee	A, B, C, D, E, G and H
CSDP 001117-001139	2017-059.3 Reports and Correspondences	IA	IA	County and A. Joshua	A, B, C, D, E, G and H
CSDP0 001140-001173	Paul Silva Critical Incident Review Board	Sheriff's Legal Advisor Robert Faigin, Esq.	Sheriff's Legal Advisor Robert Faigin, Esq.	County Defendants	A-F, and I

DATED: June 4, 2020

THOMAS E. MONTGOMERY, County Counsel

By:

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