

1 IN THE UNITED STATES DISTRICT COURTS
2 FOR THE EASTERN DISTRICT OF CALIFORNIA
3 AND THE NORTHERN DISTRICT OF CALIFORNIA
4 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
5 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE
6

7 RALPH COLEMAN, et al.,
8 Plaintiffs,
9 v.
10 ARNOLD SCHWARZENEGGER,
et al.,
11 Defendants.
12

NO. CIV S-90-0520 LKK JFM P
THREE-JUDGE COURT

13 MARCIANO PLATA, et al.,
14 Plaintiffs,
15 v.
16 ARNOLD SCHWARZENEGGER,
et al.,
17 Defendants.
18

NO. C01-1351 TEH
THREE-JUDGE COURT
ORDER ON MOTION TO
COMPEL PRODUCTION OF
OFFICE OF INSPECTOR
GENERAL'S UNREDACTED
REPORT

20 Plaintiffs have filed a motion pursuant to Fed. R. Civ. P. 45(c)(2)(B)(ii) to compel
21 production of an unredacted report by the non-party Office of the Inspector General (OIG)
22 concerning the release of Scott Thomas from San Quentin State Prison. The OIG has filed
23 an opposition to the motion.

24 At issue is a report sent on October 31, 2007 by the Inspector General to the Secretary
25 of the California Department of Corrections and Rehabilitation (CDCR) "detailing the results
26 of the OIG's investigation into the California State Prison, San Quentin's release of Scott
27 Thomas to parole on May 18, 2007." Plaintiff's Motion to Compel Production of the Office
28 of Inspector General's Unredacted Report Re: Scott Thomas, filed April 18, 2008, at 2. The

1 OIG created two versions of the report, one of which redacted information concerning
2 Thomas's medical and mental health care while in prison. On April 1, 2008, plaintiffs served
3 a Rule 45 subpoena on the OIG requesting production of the unredacted report.¹ On April 7,
4 2008, the OIG responded to the subpoena in writing, refusing to produce the unredacted
5 report without a court order. Ex. B to Declaration of Amy Whelan in Support of Plaintiffs'
6 Motion, filed April 18, 2008. The parties were unable to resolve the dispute informally
7 through the meet and confer process, and the instant motion followed.

8 After review of the papers filed in support of and in opposition to the motion, and
9 good cause appearing, IT IS HEREBY ORDERED that:

10 1. Plaintiffs' April 18, 2008 motion to compel is granted;
11 2. Within five days from the date of this order the Office of the Inspector General
12 shall produce to plaintiffs' counsel the unredacted OIG report concerning the release of Scott
13 Thomas from San Quentin State Prison, subject to the following protective order:

14 Neither plaintiffs' counsel nor any employee of any law firm representing
15 plaintiffs in these proceedings shall disclose or otherwise refer to the unredacted OIG report
16 concerning the release of Scott Thomas from San Quentin State Prison to any person outside
17 of said law firms nor shall such information be made part of the record in these proceedings
18 or any other proceedings without further order of this court or the three-judge court.

19 Dated: May 23, 2008.

20
21 
22 UNITED STATES MAGISTRATE JUDGE
23
24

25
26
27 12
28 discovery21.o

¹ On November 1, 2007, plaintiffs sent a formal written request for the unredacted report to the Inspector General. That request was declined.