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**Superior Court of California, County of Alameda**  
**Rene C. Davidson Alameda County Courthouse**

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<p>Sanchez</p> <p style="text-align: right;">Plaintiff/Petitioner(s)</p> <p style="text-align: center;">VS.</p> <p>California Department of Transportation</p> <hr/> <p style="text-align: right;">Defendant/Respondent(s) (Abbreviated Title)</p>	<p style="text-align: center;">No. <u>RG16842117</u></p> <p style="text-align: center;">Order</p> <p style="text-align: center;">Motion to Compel (Motion) Granted</p>
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The Motion to Compel (Motion) filed for Natale Leimkuhler and Susan Halpern and Western Regional Advocacy Project and Homeless Action Center and Patricia Moore and Christopher Craner and Scott Russell and James Leone and Kimberlee Sanchez was set for hearing on 03/12/2019 at 09:00 AM in Department 16 before the Honorable Michael M. Markman. The Tentative Ruling was published and was contested.

The matter was argued and submitted, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

Plaintiffs' Motion to Compel Further Responses to Discovery Regarding the Modesto Incident is GRANTED. (Code Civ. Proc. §§ 2030.300(a), 2031.310(a).)

Plaintiffs' discovery is reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., § 2017.010.) The operative First Amended Complaint ("FAC") is directed to defendant California Department of Transportation's ("Caltrans") allegedly improper seizure and destruction of personal property while clearing homeless encampments. Plaintiffs do not object to Caltrans' general right to clear trespassers on state land. Rather, they are contesting the methods used to do so, including alleged failures to give adequate notice. The FAC is directed to Caltrans' statewide policies and seeks a "statewide permanent injunction" against those policies. (FAC, ¶¶ 71, 110 at 20, 29 and 29:17-18.) But, while Plaintiffs seek a state-wide injunction, this case is about Caltrans' practices in Alameda County.

In that context, Plaintiffs seek discovery concerning an August 1, 2018 incident in Modesto, California. Based on news reports, a woman was killed in a tragic accident during efforts to clear an encampment. Heavy equipment used to clear the encampment may have contributed to the death. This appears to have been a singular incident; no one has alleged that other people have died during Caltrans' clearing of encampments in Alameda County or elsewhere in California.

The Court finds that Plaintiffs' discovery concerning the Modesto Incident is reasonably calculated to lead to the discovery of admissible evidence. The Court is not opening the door to broad statewide discovery. The singular incident in Modesto, however, may well shed light on Caltrans' statewide policies, including the extent to which a failure to give adequate notice of impending clearing operations may have contributed to the tragedy. All concerned have a vested interest in making sure that the events that led to the Modesto Incident are not repeated in Alameda County (or anywhere else).

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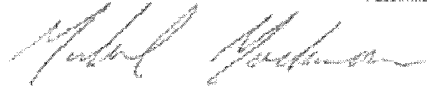
Order

The Court notes that Plaintiffs' discovery may implicate the privacy rights of third parties. (See *Pioneer Electronics (USA), Inc. v. Superior Court* (2007) 40 Cal.4th 360, 370.) The Court is reluctant to address privacy sua sponte on this limited record. This Order is without prejudice to Caltrans' right to raise appropriate privacy objections and to withhold or redact private information from its document production, provided that a detailed privilege log is concurrently served.

Caltrans must serve verified further responses to Plaintiffs' Form Interrogatories, Set Two, Special Interrogatories, Set Two, and Requests for Production of Documents, Set Three, no later than April 12, 2019. Caltrans must also produce all responsive documents, including, if appropriate, a privilege log, no later than April 12, 2019.

Dated: 03/18/2019

Facsimile

A facsimile signature of Judge Michael M. Markman, written in cursive script.

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Judge Michael M. Markman

Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse

Case Number: RG16842117  
Order After Hearing Re: of 03/18/2019


**DECLARATION OF SERVICE BY MAIL**

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, addressed as shown on the foregoing document or on the attached, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed on 03/18/2019.

Chad Finke Executive Officer / Clerk of the Superior Court

By

 Digital

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Deputy Clerk