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Attorneys for Defendant and Cross-Complainant CITY OF BURBANK, including the POLICE DEPARTMENT OF THE CITY OF BURBANK (erroneously sued as an independent entity named "BURBANK POLICE DEPARTMENT")

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY KARAGIOSIAN-GOMEZ; STEVE KARAGIOSIAN; ELFEGO RODRIGUEZ; AND JAMAL CHILDS, Plaintiffs, v. BURBANK POLICE DEPARTMENT; CITY OF BURBANK; AND DOES 1 THROUGH 100, INCLUSIVE, Defendants.	Case No. BC 414602 Judge: The Honorable Joanne O'Donnell **DEFENDANT CITY OF BURBANK'S OPPOSITION TO PLAINTIFF KARAGISOIAN'S MOTION *IN LIMINE* NO. 5 TO EXCLUDE EVIDENCE REQUESTED BUT NOT DISCLOSED DURING DISCOVERY** Date: June 8, 2011 Time: 9:00 a.m. Location: 37
BURBANK POLICE DEPARTMENT; CITY OF BURBANK, Cross-Complainants, v. OMAR RODRIGUEZ, an Individual; Cross-Defendant.	File Date: May 28, 2009 Trial Date: June 8, 2011 (Plff. Karagiosian); Discovery Referee: The Hon. Diane Wayne, Ret.

Attached to Karagiosian's motion is a March 31, 2011 letter which Plaintiffs' counsel sent Defendant's counsel ***in regards to trial on the claims of plaintiff Cindy Guillen-Gomez*** which is attached to a declaration in which Plaintiffs' counsel falsely identifies the letter as pertaining to the instant motion *in limine* ***filed by Plaintiff Steve Karagiosian,*** in order to deceive the Court into thinking that Karagiosian properly complied with Local Rule 8.92 before filing this motion. (Cischke Decl.¶ 4, Exh. A.) The Court can and should deny the motion of the basis of this fraudulent misrepresentation to the Court alone.

Moreover, on April 14, 2011, the Court properly denied a nearly identical Motion *in limine* No. 5 filed by Plaintiff Karagiosian's co-plaintiff, Cindy Guillen Gomez, to preclude Burbank from introducing investigative reports written by Irma Rodriguez Moisa and Sergio Bent as well as "other investigative reports" on the ground that Burbank failed to produce these items during discovery. (Reznik Decl. ¶ 2, Exh. 1.) ***There is no reason for the Court to rule any differently in the case of Karagiosian's motion than it did on Guillen's motion.***

I. THIS MOTION IN LIMINE SHOULD BE DENIED BECAUSE KARAGIOSIAN SUBMITTED A FRAUDULENT DECLARATION REGARDING COMPLIANCE WITH LASC LOCAL RULE 8.92[1]

Attached to Karagiosian's motion is a March 31, 2011 letter which Plaintiffs' counsel sent Defendant's counsel ***in regards to trial on the claims of plaintiff Cindy Guillen-Gomez*** which is attached to a declaration in which Plaintiffs' counsel falsely identifies the letter as pertaining to the instant motion *in limine* ***filed by Plaintiff Steve Karagiosian,*** in order to deceive the Court into thinking that Karagiosian properly complied with Local Rule 8.92 before filing this motion.

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1 Los Angeles Superior Court Local Rule 8.92 states in relevant part:

(a) Motions made for the purpose of precluding the mention or display of inadmissible and prejudicial matter in the presence of the jury shall be accompanied by a declaration that includes the following: . . .

(2) A representation to the court that the subject of the motion has been discussed with opposing counsel, and that opposing counsel has either indicated that such matter will be mentioned or displayed in the presence of the jury before it is admitted in evidence or that counsel has refused to stipulate that such matter will not be mentioned or displayed in the presence of the jury unless and until it is admitted in evidence.

(Cischke Decl. ¶ 4, Exh. A.) The Court can and should deny the motion of the basis of this fraudulent misrepresentation to the Court alone.

II. THIS MOTION SHOULD BE DENIED WITH RESPECT TO THE MOISA REPORT BECAUSE THE REPORT MAY BE RELEVANT FOR IMPEACHMENT PURPOSES

Karagiosian asserts that Burbank failed to produce certain documents during discovery. This is patently untrue. The documents in question were the subject of a *Pitchess* motion which was heard by the Discovery Referee, Judge Wayne, who made the determination as to what documents Plaintiffs were entitled to receive after *in camera* inspection. The Moisa report was prepared by attorney Irma Rodriguez Moisa, and is a confidential communication covered by the attorney-client privilege.

At the present time, Burbank does not believe the Moisa report is relevant to Karagiosian's claims, and does not plan refer to that report at trial. However, such evidence may become relevant for impeachment purposes, and Burbank should be allowed to use it for impeachment. *See Kelly v. New West Fed. Savings*, 49 Cal. App. 4th 659, 671 (1996) *citing People v. Jennings*, 46 Cal. 3d 963, 975 fn. 3 (1988) ("'Until the evidence is actually offered, and the court is aware of its relevance in context, its probative value, and its potential for prejudice, matters related to the state of the evidence at the time an objection is made, the court cannot intelligently rule on admissibility'"); *see also People v. Mendoza*, 24 Cal. 4th 130, 171 (2000)(evidence which tends to prove or disprove the credibility of witnesses is relevant).

III. THIS MOTION SHOULD BE DENIED WITH RESPECT TO THE BENT REPORT BECAUSE KARAGIOSIAN DID NOT ASK FOR IT IN DISCOVERY AND IT MAY BE RELEVANT FOR IMPEACHMENT PURPOSES.

Plaintiffs asked for the Bent report in their *Pitchess* motion. At the hearing, the Discovery Referee turned over a set of documents to Plaintiffs' counsel that did not include the Bent report, and told them to inspect the documents and provide her with a list of additional documents sought within 24 hours. *See* Reznik Decl. ¶ 3, Exh. 2 [Eighth Report of the Discovery Referee] at 2) Plaintiffs' counsel did not provide the Discovery Referee with any list. In sum, then,

Karagiosian's counsel did not receive the Bent report because *they did not ask for it.*

This motion should be denied as to the Bent report. However, in the alternative, and if the Court should choose to exclude testimony about the interview between Bent and Karagiosian, then the Court must exclude any testimony from Karagiosian on that subject as well. Karagiosian cannot give a falsified account of that interview, and then seek to preclude Burbank from impeaching that testimony by offering the testimony of Bent about what Karagiosian told him, or of other witnesses about what Bent conveyed to them about the interview at the time.

IV. KARAGIOSIAN'S REQUEST TO EXCLUDE ADDITIONAL DOCUMENTS IN THIS MOTION SHOULD BE DENIED

In addition to seeking to exclude the Moisa and Bend reports, Karagiosian also seeks to exclude "other investigative reports" (Motion, 3:5-6) and "any documents or testimony that was requested by Plaintiff but not produced by Defendant during discovery" (Motion, 2:5-8). These descriptions are so vague that it is impossible for Burbank to know what evidence Karagiosian is seeking to exclude here. The non-specific nature of Karagiosian's references to "other" reports and evidence has rendered Burbank unable to effectively oppose Karagiosian's request to exclude this evidence. Indeed, if the Court were to grant Karagiosian's request to exclude this evidence, Burbank would not know what evidence to avoid presenting at trial. This incomprehensible request to exclude evidence should be denied.

For the foregoing reasons, Burbank respectfully requests that this Court deny Karagiosian's Motion *In Limine* No. 5.

Dated: May 25, 2011

BALLARD, ROSENBERG, GOLPER & SAVITT LLP

By:

PHILIP L. REZNIK
Attorneys for Defendant CITY OF BURBANK

DECLARATION OF PHILIP L. REZNIK

I, PHILIP L. REZNIK, hereby declare:

1. I am an attorney at law, licensed to practice in all Courts of the State of California, and an associate in the law firm of Ballard, Rosenberg, Golper & Savitt, LLP, attorney of record for defendant CITY OF BURBANK herein. I have personally knowledge of the following facts and, if asked, could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a copy of the Court's April 14, 2011 Minute Order in regards to trial on the claims of plaintiff Cindy Guillen-Gomez herein.

3. Attached hereto as Exhibit 2 is a copy of the 8th Report & Recommendation of the Discovery Referee herein, the Honorable Diane Wayne (Ret.).

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing facts are true.

Signed this 25th day of May, 2011, at Glendale, California.

PHILIP L. REZNIK, declarant

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/14/11			DEPT. 37
HONORABLE JOANNE O'DONNELL	JUDGE	E.T. ESPINOZA	DEPUTY CLERK
HONORABLE #	JUDGE PRO TEM		ELECTRONIC RECORDING MONITOR
G.S. HIRONAKA, C/A	Deputy Sheriff	C. KWON-CHANG, # 12143	Reporter

10:00 am	BC414602 OMAR RODRIGUEZ ET AL VS BURBANK POLICE DEPARTMENT ET AL 170.6 DAVID P. YAFFE R/F 7-27-09 Denied as to BC4179	Plaintiff Counsel Defendant Counsel	SOLOMON GRESEN (X) LAWRENCE MICHAELS (X) LINDA SAVITT (X) VERONICA VON GRABOW (X)

NATURE OF PROCEEDINGS:

PRE-TRIAL CONFERENCE RE MOTIONS IN LIMINE

Matters are called for hearing.

A mandatory settlement conference is set for April 21, 2011, 9 a.m., this department.

Motion of Defendants to quash Notice of Attendance of Burbank Police Department interim Police Chief Scott Lachasse at trial is argued and granted.

Court and counsel confer re motions in limine as follows:

Plaintiff's motions in limine to exclude:

1. Documents, testimony and other evidence regarding lawsuits filed by the other plaintiffs herein is denied.

2. Documents, testimony and other evidence regarding lawsuits filed by Christopher Dunn is withdrawn.

3. Documents, testimony and other evidence regarding any Porto's Bakery investigation is denied.

4. Documents, testimony and other evidence regarding the character of witnesses is denied.

5. Documents, testimony and other evidence requested

MINUTES ENTERED
04/14/11
COUNTY CLERK

04/18/11

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/14/11 | DEPT. 37

HONORABLE JOANNE O'DONNELL JUDGE | E.T. ESPINOZA DEPUTY CLERK

HONORABLE # JUDGE PRO TEM | ELECTRONIC RECORDING MONITOR

G.S. HIRONAKA, C/A Deputy Sheriff | C. KWON-CHANG, # 12143 Reporter

10:00 am BC414602

OMAR RODRIGUEZ ET AL
VS
BURBANK POLICE DEPARTMENT ET AL

170.6 DAVID P. YAFFE
R/F 7-27-09 Denied as to BC4179

Plaintiff Counsel: SOLOMON GRESEN (X)

Defendant Counsel: LAWRENCE MICHAELS (X)
LINDA SAVITT (X)
VERONICA VON GRABOW (X)

NATURE OF PROCEEDINGS:

but not disclosed during discovery is denied.

6. Documents, testimony and other evidence regarding Plaintiff's 2004 discipline for walking too close to a car is granted.

7. Documents, testimony and other evidence regarding Plaintiff's 2001 cervical cancer is denied.

Prevent all witnesses from wearing police uniforms in the presence of the jury is denied.

Defendant's motions in limine for an order to exclude:

1. Evidence of or argument about Guillen's failures to promote to detective is denied.

2. Evidence of or argument about Guillen's failure to be assigned to the special enforcement detail is denied.

3. Evidence or argument of comments for which Plaintiff Guillen has not laid a foundation is denied. Counsel will refile this motion in limine.

4. Evidence or argument of statements made by Juli Scott during her September 2009 sexual harrasment training is granted.

5. Evidence or argument of statements made to

MINUTES ENTERED
04/14/11
COUNTY CLERK

11/18/11

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/14/11 | DEPT. 37

HONORABLE JOANNE O'DONNELL JUDGE | E.T. ESPINOZA DEPUTY CLERK

HONORABLE # JUDGE PRO TEM | ELECTRONIC RECORDING MONITOR

G.S. HIRONAKA, C/A Deputy Sheriff | C. KWON-CHANG, # 12143 Reporter

10:00 am BC414602

OMAR RODRIGUEZ ET AL
VS
BURBANK POLICE DEPARTMENT ET AL

170.6 DAVID P. YAFFE
R/F 7-27-09 Denied as to BC4179

Plaintiff Counsel: SOLOMON GRESEN (X)

Defendant Counsel: LAWRENCE MICHAELS (X)
LINDA SAVITT (X)
VERONICA VON GRABOW (X)

NATURE OF PROCEEDINGS:

Guillen's Newport Beach Police Department background investigator is granted.

6. Order excluding the testimony of Oliver "Lee" Drummond will be ruled on at the time of trial.

7. Any testimony of R. William Mathis, Ph.D. is denied.

8. Evidence or argument relating to any protected class of which Guillen is not a member, including African-Americans and Armenians is granted.

9. Evidence or argument of comments supporting Guillen's claim that she was harrassed based on pregnancy is denied.

10. Evidence or argument relating to discipline imposed against Burbank Police Department members for anything other than harrasment of Guillen is granted.

11. Evidence of or argument about Guillen's reprimand for carelessness is granted.

12. Evidence or argument of any statistics relating to the numbers of Hispanic and/or female officers is granted.

13. Evidence or argument that the Burbank Police

MINUTES ENTERED
04/14/11
COUNTY CLERK

04/13/11

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/14/11			DEPT. 37
HONORABLE JOANNE O'DONNELL	JUDGE	E.T. ESPINOZA	DEPUTY CLERK
HONORABLE #	JUDGE PRO TEM		ELECTRONIC RECORDING MONITOR
G.S. HIRONAKA, C/A	Deputy Sheriff	C. KWON-CHANG, # 12143	Reporter

10:00 am	BC414602	Plaintiff Counsel	SOLOMON GRESEN (X)
	OMAR RODRIGUEZ ET AL VS BURBANK POLICE DEPARTMENT ET AL	Defendant Counsel	LAWRENCE MICHAELS (X) LINDA SAVITT (X) VERONICA VON GRABOW (X)
	170.6 DAVID P. YAFFE R/F 7-27-09 Denied as to BC4179		

NATURE OF PROCEEDINGS:

Officers Association did not properly represent Cindy Guillen-Gomez is granted.

14. Any reference to the size of Burbank's law firms, the costs of Burbank's defense, and the number of attorneys retained by Burbank is granted.

Defense counsel are to file the 2 motions in limine by April 18, 2010, with opposition due April 22, 2011. Motions will be heard on April 25, 2011.

Court and counsel confer re trial procedures.

Plaintiff's counsel informs the Court that he will look into the issue of not having posted jury fees.

MINUTES ENTERED
04/14/11
COUNTY CLERK

11/18/98

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/14/11			DEPT. 37
HONORABLE JOANNE O'DONNELL	JUDGE	E.T. ESPINOZA	DEPUTY CLERK
HONORABLE #	JUDGE PRO TEM		ELECTRONIC RECORDING MONITOR
G.S. HIRONAKA, C/A	Deputy Sheriff	C. KWON-CHANG, # 12143	Reporter

10:00 am	BC414602	Plaintiff Counsel	SOLOMON GRESEN (X)
	OMAR RODRIGUEZ ET AL VS BURBANK POLICE DEPARTMENT ET AL	Defendant Counsel	LAWRENCE MICHAELS (X) LINDA SAVITT (X) VERONICA VON GRABOW (X)
	170.6 DAVID P. YAFFE R/F 7-27-09 Denied as to BC4179		

NATURE OF PROCEEDINGS:

PRE-TRIAL CONFERENCE RE MOTIONS IN LIMINE

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4. Documents, testimony and other evidence regarding the character of witnesses is denied.

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COUNTY CLERK

04/18/11

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/14/11 | DEPT. 37

HONORABLE JOANNE O'DONNELL JUDGE | E.T. ESPINOZA DEPUTY CLERK

HONORABLE # JUDGE PRO TEM | ELECTRONIC RECORDING MONITOR

G.S. HIRONAKA, C/A Deputy Sheriff | C. KWON-CHANG, # 12143 Reporter

10:00 am BC414602

OMAR RODRIGUEZ ET AL
VS
BURBANK POLICE DEPARTMENT ET AL

170.6 DAVID P. YAFFE
R/F 7-27-09 Denied as to BC4179

Plaintiff Counsel: SOLOMON GRESEN (X)

Defendant Counsel: LAWRENCE MICHAELS (X)
LINDA SAVITT (X)
VERONICA VON GRABOW (X)

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but not disclosed during discovery is denied.

6. Documents, testimony and other evidence regarding Plaintiff's 2004 discipline for walking too close to a car is granted.

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4. Evidence or argument of statements made by Juli Scott during her September 2009 sexual harrasment training is granted.

5. Evidence or argument of statements made to

MINUTES ENTERED
04/14/11
COUNTY CLERK

11/21/68

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/14/11 | DEPT. 37

HONORABLE JOANNE O'DONNELL JUDGE | E.T. ESPINOZA DEPUTY CLERK

HONORABLE JUDGE PRO TEM | ELECTRONIC RECORDING MONITOR

G.S. HIRONAKA, C/A Deputy Sheriff | C. KWON-CHANG, # 12143 Reporter

10:00 am BC414602

OMAR RODRIGUEZ ET AL
VS
BURBANK POLICE DEPARTMENT ET AL

170.6 DAVID P. YAFFE
R/F 7-27-09 Denied as to BC4179

Plaintiff Counsel: SOLOMON GRESEN (X)

Defendant Counsel: LAWRENCE MICHAELS (X)
LINDA SAVITT (X)
VERONICA VON GRABOW (X)

NATURE OF PROCEEDINGS:

Guillen's Newport Beach Police Department background investigator is granted.

6. Order excluding the testimony of Oliver "Lee" Drummond will be ruled on at the time of trial.

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8. Evidence or argument relating to any protected class of which Guillen is not a member, including African-Americans and Armenians is granted.

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12. Evidence or argument of any statistics relating to the numbers of Hispanic and/or female officers is granted.

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MINUTES ENTERED
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COUNTY CLERK

04/18/11

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/14/11

DEPT. 37

HONORABLE JOANNE O'DONNELL JUDGE E.T. ESPINOZA DEPUTY CLERK

HONORABLE # JUDGE PRO TEM ELECTRONIC RECORDING MONITOR

G.S. HIRONAKA, C/A Deputy Sheriff C. KWON-CHANG, # 12143 Reporter

10:00 am BC414602

OMAR RODRIGUEZ ET AL
VS
BURBANK POLICE DEPARTMENT ET AL

170.6 DAVID P. YAFFE
R/F 7-27-09 Denied as to BC4179

Plaintiff Counsel SOLOMON GRESEN (X)

Defendant Counsel LAWRENCE MICHAELS (X)
LINDA SAVITT (X)
VERONICA VON GRABOW (X)

NATURE OF PROCEEDINGS:

Officers Association did not properly represent Cindy Guillen-Gomez is granted.

14. Any reference to the size of Burbank's law firms, the costs of Burbank's defense, and the number of attorneys retained by Burbank is granted.

Defense counsel are to file the 2 motions in limine by April 18, 2010, with opposition due April 22, 2011. Motions will be heard on April 25, 2011.

Court and counsel confer re trial procedures.

Plaintiff's counsel informs the Court that he will look into the issue of not having posted jury fees.

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04/14/11
COUNTY CLERK

04/18/11

*
HON. DIANE WAYNE, Ret.
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Los Angeles, CA 90017
Tel: 213-620-1133
Fax: 213-620-0100

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
CENTRAL DISTRICT

OMAR RODRIGUEZ; CINDY GUILLEN-GOMEZ; STEVE KARAGIOSIAN; ELFEGO RODRIGUEZ; AND JAMAL CHILDS,	§	CASE NO.: BC 414 602
	§	Assigned to: Hon. Joanne B. O'Donnell
Plaintiffs,	§	
v.	§	JAMS Reference No. 1220040470 Hon. Diane Wayne (Ret.), Discovery Referee
BURBANK POLICE DEPARTMENT; CITY OF BURBANK,	§	**8th Report & Recommendation of the Discovery Referee**
Defendants.	§	

8th Report of the Discovery Referee

I. Procedural History

A hearing was held on March 29, 2011 at the Los Angeles branch of JAMS, located at 707 Wilshire Blvd., 46th Floor, Los Angeles, California, 90017 (the "Hearing"). The Plaintiffs Omar Rodriquez, Cindy Guilen-Gomez, and Steve Karagiosian (collectively, the "Plaintiffs") were represented by LAW OFFICES

OF RHEUBAN & GRESEN and Solomon E. Gresen, Esq. The Defendants Burbank Police Department and the City of Burbank (collectively, the "Defendants") were represented by BALLARD, ROSEN, GOLPER & SAVITT LLP and Philip L. Reznik, Esq and John J. Manier, Esq. as well as MITCHELL SILBERBERG & KNUPP, LLP and Lawrence A. Michaels, Esq.

II. Legal History

The Plaintiffs, three current police officers of the Burbank Police Department, filed a Complaint on May 28, 2009. The Complaint alleged that over a period of years the Plaintiffs were discriminated against, variously, based on their race, sex, pregnancy and/or ethnicity. The Complaint also alleged that the Plaintiff's were retaliated against for opposing such alleged discrimination and harassment. The Plaintiff's assert that they suffered adverse employment decisions including: imposition of discipline, demotion, failure to obtain promotions, and failure to obtain specific work assignments. The Defendants deny all allegations.

On October 2, 2009, in Department 37, the Honorable Judge Joanne B. O'Donnell, Judge of the Superior Court, appointed Diane Wayne, Judge (Ret.), as the Discovery Referee pursuant to *Civil Code of Procedure §§ 639(a)(5), 640* and *645.1.* All discovery disputes have been assigned to the Discovery Referee.

III. Recommendation:

At the hearing, the following Motions were considered:

1. The Plaintiffs' *Pitchess* Motion For Peace Officer Records And Information -- As It Applies To Plaintiff Cindy Guillen-Gomez Only

This Motion seeks an order compelling the Defendants to produce documents responsive to nineteen enumerated categories, not including sub-parts, related to the Plaintiffs and other peace officers as well as various investigations

and complaints. The Motion was only addressed as it applies to Plaintiff Cindy Guillen-Gomez because her trial is set to begin on April 13, 2011, approximately two weeks from the date of this Report. The remainder of the Motion will be addressed at a later date.

At the hearing, the Defendants produced a number of documents requested by Plaintiff Cindy Guillen-Gomez (the "Documents"), including a redacted version of her personnel file. Plaintiffs' counsel has agreed to inspect the Documents and provide the Discovery Referee with a list of any other documents or categories of documents sought by Plaintiff Cindy Guillen-Gomez within 24 hours of the Hearing. If such a list is provided, the discoverability of the documents or categories of documents requested will be addressed by the Discovery Referee.

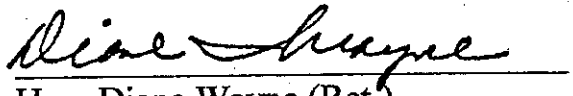
The Defendants have agreed to circulate a proposed Protective Order for the Documents within 24 hours of the Hearing. Additionally, the Defendants have agreed to produce, at their earliest convenience, a copy of Irma Moisa Rodriguez's report to the Discovery Referee for an *in camera* review. Considering the proximity of Cindy Guillen-Gomez's trial, this *in camera* review will take place as soon as possible.

2. The Defenants' *Ex Parte* Application For An Order Compelling Plaintiff To Submit To A Defense Mental Examination

The Plaintiffs have agreed to submit Cindy Guillen-Gomez to a defense mental examination pending a stipulation to the details of the examination. Defendants will circulate a proposed stipulation within 24 hours of the Hearing.

IT IS SO RECOMMENDED.

Date: March 30, 2011



Hon. Diane Wayne (Ret.)
Discovery Referee

ORDER

All matters set forth in the above report of Referee having been considered; the Court hereby approves and adopts said Report as the decision of the court, including the findings and recommendations therein.

Date: April ____, 2011

_____
Hon. Joanne B. O'Donnell,
Judge

PROOF OF SERVICE BY FACSIMILE & U.S. MAIL

Re: Rodriguez, Omar, et al. vs. Burbank Police Department, et al.
Reference No. 1220040470

I, Christina Dobszewicz, not a party to the within action, hereby declare that on March 30, 2011 I served the attached 8TH REPORT AND RECOMMENDATION OF THE DISCOVERY REFEREE on the parties in the within action by facsimile and depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, at Los Angeles, CALIFORNIA, addressed as follows:

Solomon Gresen Esq.
Rheuban & Gresen
15910 Ventura Blvd.
Suite 1610
Encino, CA 91436
Fax: 818-815-2737

Linda Savitt Esq.
Ballard Rosenberg Golper & Savitt LLP
500 North Brand Blvd.
20th Floor
Glendale, CA 91203-9946
Fax: 818-506-4827

Hon. Joanne O'Donnell
Los Angeles Superior Court
Stanley Mosk Courthouse
111 N. Hill St.
Los Angeles, CA 90012
<<<VIA US MAIL ONLY

Ms. Linda Rosoff
Burbank City Attorney's Office
275 E Olive Ave
Burbank, CA 91502
Fax: (818) 238-5724

Lawrence Michaels Esq.
Mitchell, Silberberg & Knupp, LLP
11377 W. Olympic Blvd.
Los Angeles, CA 90064-1683
Fax: 310-312-3100

Steven Rheuban Esq.
Rheuban & Gresen
15910 Ventura Blvd.
Suite 1610
Encino, CA 91436
Fax: 818-815-2737

Ms. Carol Humiston
Office of the City Attorney - Burbank
275 E. Olive Avenue
Burbank, CA 91510
Fax: 818-238-5724

John Manier Esq.
Ballard Rosenberg Golper & Savitt LLP
500 North Brand Blvd.
20th Floor
Glendale, CA 91203-9946
Fax: 818-506-4827

Melanie Smith Esq.
Stone Busailah LLP
200 East Del Mar Blvd
Suite 350
Pasadena, CA 91105
Fax: 626-683-5656

I declare under penalty of perjury the foregoing to be true and correct. Executed at Los Angeles, CALIFORNIA on March 30, 2011.

Christina Dobszewicz