

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

RICHARD LEONARDI,

Plaintiff,

v.

RANDALL KWASINSKI, CHRISTOPHER SCHUSTER,  
STEVEN BEAUDRY and YOLANDA ROBERTSON,

Defendants.

---

ORDER

12-cv-133-bbc

Pro se plaintiff Richard Leonardi is proceeding on a claim that defendants Yolanda Robertson, Randall Kwasinski, Christopher Schuster and Steven Beaudry searched his home in violation of the Fourth Amendment. Plaintiff has filed a motion to compel discovery of various documents after he was dissatisfied with defendants' response to his request for production of documents nos. 1-7 and 12.

As an initial matter, plaintiff notes that defendants failed to respond to his request for production of documents within 30 days. Counsel for defendants explains the two-week delay as a product of counsel's paralegal's retirement and subsequent staffing changes/shortages at the Attorney General's Office. Coupled with the lack of any prejudice to plaintiff, this explanation suffices to show good cause, but in the future, counsel should pay greater heed to the duty to inform the opposing party of impending delays before they occur rather than leave the opponent guessing as to why his discovery requests are not answered promptly.

Moving to the substance of plaintiff's motion to compel, he seeks the discovery listed below. Because defendants have adequately responded to each request, I will deny plaintiff's motion to compel.

**(1) All documents compromising any kind of communication relating to this case, including all communications between (a) any of the defendants (b) other law enforcement agencies, including University of Wisconsin-Milwaukee Police Department (c) with any witness to the events**

**(6) All statements, reports, and notes taken by any University of Wisconsin, Milwaukee Police Officer or Probation Officer relating to any incidents described in the complaint;**

**(12) University of Wisconsin-Milwaukee Police report in Case No. 101936**

Defendants have made the case report and related documents available to plaintiff for copying, which is all that is necessary.

**(2) All documents pertaining to the personnel files relating to any/all defendants.**

Defendants correctly point out that this is a very broad request and that some of the information in defendants' personnel files is confidential and would be considered contraband in plaintiff's prison. In his brief plaintiff appears to narrow his request by stating that he seeks information about prior wrongdoing or abusive behavior by defendants. This can be discoverable information depending on the circumstances; to that end, defendants report that the only disciplinary incident listed in any of the defendant's files is a reprimand against defendant Robertson for failing to inform supervisors about overtime she worked. Thus there does not appear to be any relevant information in this request.

**(3) All documents pertaining to the record of any/all prior convictions and arrests relating to any/all defendants.**

Defendants object on the grounds that the request is oppressive, harassing and not likely to lead to the discovery of admissible evidence. I agree, particularly in light of the fact that their disciplinary records show no relevant misconduct.

**(4) All documents involving any/all prior lawsuits involving any/all of the defendants.**

**(5) All documents pertaining to citizen complaints or misconduct files relating to any/all defendants for the past (10) ten years**

Defendants object to both requests but state that they are unaware of any lawsuits involving them regarding Fourth Amendment/search and seizure issues or any citizen complaints or misconduct. This adequately answers plaintiff's requests.

**(7) All documents relating to any internal affairs file or any such investigation related to any incidents described in the complaint.**

Defendants state that they are unaware of any such files. This is an adequate response.

#### ORDER

For the reasons stated above, it is ORDERED that plaintiff Richard Leonardi's motion to compel, dkt. 25, is DENIED.

Entered this 24<sup>th</sup> day of September, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge