

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

DEBORAH HENSON,

Plaintiff,

v.

LASSEN COUNTY, CALIFORNIA, KEVIN
MANNEL, BILL BIXBY, JIM CHAPMAN,
ANDY WHITEMAN, LYNNE MARGOLIES,
and MARGARET "PEGGY" CROSBY,

Defendants.

ORDER

07-C-034-X

(E.D. Cal. No. CIV-05-1099 FCD KJM)

The underlying lawsuit in the Eastern District of California is an employment action arising out of plaintiff's claims that defendants violated her federal constitutional rights and statutory rights, as well as various supplemental state claims. Plaintiff obtained from this court a Rule 45 subpoena duces tecum that she served on Jackson County, Wisconsin, in which she demanded production of specified documents, including personnel files and disciplinary proceedings, related to defendant Kevin Mannel, a former Jackson County employee. Before the court is defendant Mannel's motion to quash the subpoena.

I have read and carefully considered all of the relatively voluminous submissions from both sides. Frankly, this court didn't need even a fraction of this information in order to make its decision, and I do not intend to address all of the points made by the attorneys because this is not a close case. Mannel is not entitled to the relief sought and I am denying his motion to quash, although I am providing a scintilla of post-disclosure protection.

Obviously, an employee's personnel file and other employment-related documents likely will contain sensitive, private information that should not be disseminated without good cause. Plaintiff, in response to Mannel's motion, has provided good cause for disclosure of Jackson County's files on Mannel as part of pretrial discovery in this case. Plaintiff has alleged employment-related misconduct by Mannel while employed by defendant Lassen County, and the documents produced to this court suggest that these allegations have some basis in fact. Plaintiff also sufficiently has established that documents possessed by Jackson County may contain information about employment-related misconduct by Mannel. Cross-referencing F.R. Civ. Pro. 26(b) with F.R. Ev. 403-05 and Mannel's privacy concerns leads this court ineluctably to the conclusion that Mannel's personnel file with Jackson County is fair game for pretrial discovery in plaintiff's lawsuit against Mannel, Lassen County, *et al.*

The corollary to this court's sunshine policy is to restrict dissemination of sensitive personal information to those with a need to know, at least preliminarily. If there is no overarching protective order on file in the Eastern District of California (and I surmise from the parties' presentations that there is not), then dissemination of documents and information disclosed by Jackson County in response to plaintiff's subpoena shall be limited to plaintiff's attorneys, their staff and expert witnesses with a need to know this information. Before disseminating this information further, it will be plaintiff's obligation to seek and obtain leave from the court in the Eastern District of California, which of course can and will employ whatever standard it deems appropriate under the circumstances.

ORDER

It is ORDERED that defendant Kevin Mannel's motion to quash the subpoena is DENIED and that his request for a protective order is GRANTED IN PART and DENIED IN PART in the fashion stated above.

Entered this 5th day of February, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge