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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 JOSE DECASTRO,

11 Plaintiff,

12 vs.

13 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; STATE OF NEVADA;
14 BRANDEN BOURQUE; JASON TORREY;
C. DINGLE; B. SORENSON; JESSE
15 SANDOVAL; OFFICER DOOLITTLE and
DOES 1 to 50, inclusive,

16 Defendants.
17

Case Number:
2:23-cv-00580-APG-EJY

**DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION TO COMPEL
DISCOVERY (ECF NO. 72)**

18 Defendants Las Vegas Metropolitan Police Department ("LVMPD"), Ofc. Torrey,
19 Ofc. Bourque, Ofc. Dingle, Ofc. Sorenson, Ofc. Sandoval and Ofc. Doolittle ("LVMPD
20 Defendants"), by and through their attorneys of record, Marquis Aurbach, hereby file their
21 Opposition to Plaintiff's Motion to Compel Discovery (ECF No. 72). This Opposition is
22 made and based upon the attached Memorandum of Points & Authorities, the pleadings and
23 papers on file herein and any oral argument allowed by counsel at the time of hearing.

24 **MEMORANDUM OF POINTS & AUTHORITIES**

25 **I. INTRODUCTION**

26 Plaintiff's Motion to Compel is misleading and a waste of judicial resources. In the
27 Motion, Plaintiff claims the Defendants failed to respond to his requests to produce. In truth,
28 Defendants timely mailed their responses to Plaintiff's address. And, when Plaintiff

1 contacted defense counsel claiming he had yet to receive the discovery, defense counsel,
2 while on the phone with Plaintiff, emailed him the responses with a Drop Box link. Thus,
3 the discovery responses have been both mailed and emailed to Plaintiff.

4 **II. STATEMENT OF FACTS**

5 **A. SUBJECT INCIDENT**

6 On March 15, 2023, at approximately 4:30 p.m., Ofc. Bourque conducted a traffic
7 stop of a silver Hyundai Elantra. DeCastro approached the traffic stop while recording with
8 his phone and began talking to the traffic detainee. Ofc. Bourque was sitting in his LVMPD
9 vehicle. As DeCastro approached the driver’s side window of the detainee, Ofc. Bourque
10 exited his vehicle and told DeCastro “Don’t engage with my driver. Back up.” DeCastro did
11 not follow Ofc. Bourque’s command, and Ofc. Bourque reiterated, “Hey, back up. Back up.
12 You’re not involved.” DeCastro was only a few feet away from the driver’s side window of
13 the traffic detainee.

14 DeCastro backed up one or two feet, remaining in close proximity to the silver
15 Hyundai Elantra and the driver’s side window. Ofc. Bourque clarified to DeCastro “You can
16 film but you need to stay away from my driver. Back up.” DeCastro did not move. *Id.* Ofc.
17 Bourque then told DeCastro, “Back up or I’m going to detain you.” DeCastro replied,
18 “You’re going to detain me how?” to which Ofc. Bourque replied “For obstructing. Get
19 away from my car stop.” DeCastro asserted that he would continue to stand right there,
20 claimed that he was ten feet away, that he is a constitutional law scholar, and told Ofc.
21 Bourque that his name would be on the lawsuit, implying that any resistance to DeCastro’s
22 interference with the traffic stop would be met with legal action.

23 Ofc. Bourque attempted in vain to appeal to DeCastro’s better nature by noting that
24 the traffic detainee deserved privacy, to which DeCastro responded “Mind your own fucking
25 business. Mind your own business. I’m a member of the press. Go get in your car and do
26 your job little doggy.” During the entirety of the initial interaction, DeCastro remained near
27 the vehicle of the detained driver and refused to move.

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1 In light of DeCastro’s obstructive conduct and refusal to comply with officer
2 commands, Ofc. Bourque told DeCastro “You are being detained right now,” and told the
3 detained driver of the silver Hyundai Elantra that she was free to go. As Ofc. Bourque
4 approached DeCastro, he began to walk backwards, exclaiming that he was a journalist.
5 DeCastro refused to comply and moved away from Ofc. Bourque. Ofc. Bourque called for
6 additional units and reiterated that DeCastro was detained. DeCastro demanded a supervisor.

7 Ofc. Bourque then ordered DeCastro to walk over to Ofc. Bourque’s patrol car, to
8 which DeCastro verbally agreed. Ofc. Bourque reiterated that DeCastro was being detained
9 for obstruction and ordered DeCastro to place his phone on the hood of the patrol vehicle.
10 DeCastro refused, asserting that he is a “constitutional law scholar” and that Ofc. Bourque
11 could not take his phone. As Ofc. Bourque approached DeCastro, DeCastro extended his
12 arm and attempted to push Ofc. Bourque away from him. Ofc. Bourque proceeded to grab
13 DeCastro and escort him to the space in front of his patrol vehicle. At that time, Ofc. Dingle
14 arrived on scene, and he and Ofc. Bourque placed DeCastro in handcuffs despite DeCastro’s
15 continued resistance. DeCastro made Ofc. Bourque aware of a prior shoulder injury, and
16 Ofc. Bourque placed DeCastro in two pairs of handcuffs to adhere to his medical needs.

17 DeCastro claims he was patted down and struck in the groin with a closed fist.
18 Officer Dingle’s BWC captured the alleged groin strike. The video establishes that that Ofc.
19 Bourque’s pat-down of DeCastro was routine, harmless, and that Ofc. Bourque did not strike
20 DeCastro’s genitals. DeCastro never flinched or complained of pain.

21 Shortly thereafter, Ofc. Sandoval and Ofc. Sorenson arrived on the scene. After
22 observing DeCastro’s recalcitrance, Ofc. Sandoval explained to DeCastro that the officers
23 had a way to do things, and that DeCastro’s continued refusal to obey officer commands
24 would result in his arrest for obstruction. DeCastro retorted “I have a way to do things too. I
25 sue cops all over the country. That’s what I do.” The Defendant officers ordered that
26 DeCastro continue to face the patrol vehicle. DeCastro proceeded to resist and fail to comply
27 with that order for the next several minutes, while arguing with and taunting the Defendant
28 officers.

1 Due to DeCastro's continued willful disobedience of the officers' order for him to
2 face the patrol vehicle, Ofc. Sandoval proceeded to stand behind DeCastro and hold his left
3 arm to ensure DeCastro's compliance with the officers' order. DeCastro repeatedly asserts
4 in the SAC that Ofc. Sandoval was squeezing his arm and causing him pain. However, the
5 footage clearly demonstrates that Ofc. Sandoval was holding DeCastro's arm in a reasonable
6 manner and not applying any significant force to DeCastro's arm. DeCastro repeatedly
7 pulled away from Ofc. Sandoval, and as a result, was placed in the back of Ofc. Bourque's
8 patrol vehicle.

9 Shortly thereafter, Defendant Erland Jason Torrey ("Sgt. Torrey") arrived at the
10 scene. Sgt. Torrey had a conversation with DeCastro in which he represented that he had
11 reviewed the BWC and believed DeCastro was clearly obstructing on account of interfering
12 with the traffic stop and refusing to step back when commanded to do so, and that when Ofc.
13 Bourque told DeCastro he was being detained, DeCastro proceeded to resist. After Ofc.
14 Bourque explained what DeCastro did wrong, DeCastro requested that they work it out and
15 not arrest him in order to avoid his bringing a lawsuit and causing LVMPD to incur
16 substantial attorney fees in defending the lawsuit. During the conversation, Sgt. Torrey
17 made clear to DeCastro that there was no issue with him filming the traffic stop, but that
18 being up close to the car stop, ignoring officer commands, and resisting detention/arrest
19 were the reasons he was being arrested. As noted in Ofc. Bourque's report and affirmed by
20 Sgt. Torrey and the BWC, the reasons why DeCastro was arrested was for engaging with a
21 detained driver, refusing to give an officer reasonable space to work, and refusing to obey
22 lawful commands after being advised he was being detained. (*Id.*; ECF No. 61 at ¶68). Ofc.
23 Bourque's report further stated DeCastro had admitted to getting in trouble numerous times
24 in the past for the same reasons, and his habitual behavior of obstructing police officers and
25 claiming it was justified because of his right to film the police would continue in the area if
26 he was not cited. *Id.* at ¶69.

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B. RELEVANT PROCEDURAL HISTORY

On November 16, 2023, Plaintiff (improperly) served the Defendants with his First Request for Production of Documents. (ECF No. 72 at pp.4-12). On December 18, 2023, Defendants properly served their Responses to Plaintiff’s First Requests for Production of Documents. (**Exhibit A**). Concurrent with the responses, Defendants also served Plaintiff with their First Supplement Disclosure of Witnesses and Documents. (**Exhibit B**). Both pleadings were mailed to the following address:

Jose DeCastro
4616 W. Sahra Ave. Ste., 1, Box 271
Las Vegas, Nevada 89102-3654

On December 15, 2023, Plaintiff identified this address in his “Notice of Change of Address” with the Court. (See ECF No. 69). The Defendants provided Plaintiff a Drop Box Link for documents and videos referenced in their discovery responses. (Ex. B at p.4 fn. 1). The Drop Box Link remains valid through January 18, 2024. (*Id.*).

On December 21, 2023, Plaintiff called defense counsel requesting the status of the written discovery responses. Defense counsel informed Plaintiff that the responses and supplement had been timely mailed to his preferred address. Plaintiff claimed he was having difficulty receiving his mail due to “a roommate issue.” In response, defense counsel, while still on the phone with Plaintiff, created a new Drop Box link and immediately emailed it to Plaintiff’s email address. (**Exhibit C**). Plaintiff now claims that this link was Defendants’ initial disclosures and that defense counsel “seems to be playing games.” (ECF No. 72 at p.2-3). Defense counsel has verified that the December 21, 2023 link was, in fact, the documents responsive to Plaintiff’s requests for production.

III. LEGAL STANDARD

Plaintiff alleges that he is entitled to sanctions pursuant to Fed. R. Civ. P. 37. Rule 37 governs the failure of a party to make disclosures or the failure of a party to cooperate in discovery. As set forth and in the attached exhibits, Defendants timely and properly responded to Plaintiff’s request for production of documents. The documents were timely

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1 disclosed in proper form and the Drop Box link for Plaintiff to access the documents has
2 been provided on two separate occasions and it is still active. It appears that Plaintiff does
3 not know how to properly interpret the Defendants’ discovery responses and their First
4 Supplement to Disclosure Statement. An alternative explanation is Plaintiff is intentionally
5 misleading this court because he failed to timely file an opposition to Defendants’ Motion to
6 Dismiss. (*See e.g.*, ECF No. 71). Regardless, Plaintiffs’ Motion to Compel must be denied.

7 **IV. CONCLUSION**

8 Based on the above, Defendants request that Plaintiff’s Motion to Compel be
9 dismissed.

10 Dated this 28th day of December, 2023.

11 MARQUIS AURBACH
12 By /s/ Craig R. Anderson
13 Craig R. Anderson, Esq.
14 Nevada Bar No. 6882
15 10001 Park Run Drive
16 Las Vegas, Nevada 89145
17 Attorneys for Defendants

18 **CERTIFICATE OF SERVICE**

19 I hereby certify that I electronically filed the foregoing **DEFENDANTS’**
20 **OPPOSITION TO PLAINTIFF’S MOTION TO COMPEL DISCOVERY (ECF NO.**
21 **72)** with the Clerk of the Court for the United States District Court by using the court’s
22 CM/ECF system on the 28th day of December, 2023.

23 I further certify that all participants in the case are registered CM/ECF users
24 and that service will be accomplished by the CM/ECF system.

25 I further certify that some of the participants in the case are not registered
26 CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid,
27 or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days
28 to the following non-CM/ECF participants:

Jose DeCastro
4616 W. Sahara Ave., Ste. 1, Box 271
Las Vegas, NV 89102-3654
Plaintiff Pro Se

/s/ Sherri Mong
an employee of Marquis Aurbach

Exhibit A

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12 Attorneys for Defendants LVMPD, Ofc. Torrey, Ofc. Bourque, Ofc. Dingle, Ofc.
13 Sorenson, Ofc. Sandoval and Ofc. Doolittle

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15 **DISTRICT OF NEVADA**

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18 vs.

19 LAS VEGAS METROPOLITAN POLICE
20 DEPARTMENT; STATE OF NEVADA;
21 BRANDEN BOURQUE; JASON TORREY;
22 C. DINGLE; B. SORENSON; JESSE
23 SANDOVAL; OFFICER DOOLITTLE and
24 DOES 1 to 50, inclusive,

25 Defendants.

26 Case Number:
27 2:23-cv-00580-APG-EJY

28 **DEFENDANTS LVMPD, OFC.
TORREY, OFC. BOURQUE, OFC.
DINGLE, OFC. SORENSON, OFC.
SANDOVAL AND OFC. DOOLITTLE'S
RESPONSES TO PLAINTIFF'S FIRST
REQUEST FOR PRODUCTION OF
DOCUMENTS**

1 Pursuant to FRCP Rule 37, Defendants Las Vegas Metropolitan Police Department
2 ("LVMPD"), Ofc. Torrey, Ofc. Bourque, Ofc. Dingle, Ofc. Sorenson, Ofc. Sandoval and
3 Ofc. Doolittle (collectively "Defendants"), by and through their attorneys of record, Marquis
4 Aurbach, hereby respond to Plaintiff's First Set of Requests for Production of Documents.

5 **REQUEST NO. 1:**

6 All COMMUNICATIONS between YOU and any other defendant. (Plaintiff will be
7 adding claims for conspiracy to the amended complaint).

8 **RESPONSE TO REQUEST NO. 1:**

9 Objection. The term "All COMMUNICATIONS" is vague and ambiguous and
10 overbroad. Notwithstanding this objection, each individual Defendant has searched all paper
11 files of their unit, their computer, and their work cell phones and found no unprivileged

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1 documents responsive to this request. Any responsive emails are covered by the attorney
2 client privilege.

3 **REQUEST NO. 2:**

4 ALL COMMUNICATIONS between YOU and any PERSON associated with the
5 Las Vegas Police Protective Association.

6 **RESPONSE TO REQUEST NO. 2:**

7 Objection. The term "All COMMUNICATIONS" is vague and ambiguous and
8 overbroad. Notwithstanding this objection, each individual Defendant has searched all paper
9 files of their unit, their computer, and their work cell phones and found no unprivileged
10 documents responsive to this request. Any responsive emails are covered by the attorney
11 client privilege.

12 **REQUEST NO. 3:**

13 All COMMUNICATIONS concerning Plaintiff or his associates (including Floyd
14 Wallace) between YOU and any other PERSON, including but not limited to family
15 members and colleagues.

16 **RESPONSE TO REQUEST NO. 3:**

17 Objection. The term "All COMMUNICATIONS" is vague and ambiguous and
18 overbroad. Notwithstanding this objection, each individual Defendant has searched all paper
19 files of their unit, their computer, and their work cell phones and found no unprivileged
20 documents responsive to this request. Any responsive emails are covered by the attorney
21 client privilege.

22 **REQUEST NO. 4:**

23 All documents and things that would show any current or past organizational
24 structure between Each Defendant.

25 **RESPONSE TO REQUEST NO. 4:**

26 Objection. This request is vague, ambiguous, and not reasonably calculated to lead to
27 admissible evidence. Further, the request is not limited to time or identify the specific
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1 “organization structure” that is allegedly “between Each Defendant.” As such, Defendants
2 cannot respond to this request in its current form.

3 **REQUEST NO. 5:**

4 All documents and things that would identify the true name, address, and phone
5 number of Each Defendant.

6 **RESPONSE TO REQUEST NO. 5:**

7 Objection. This request seeks information that is confidential pursuant to NRS
8 289.025. All served defendants can be reached through their counsel of record.

9 **REQUEST NO. 6:**

10 All documents and things concerning disparagement of Plaintiff and his associates.

11 **RESPONSE TO REQUEST NO. 6:**

12 Objection. The term “disparagement of Plaintiff” is vague and ambiguous and
13 subject to differing interpretation. Further, the request makes no attempt to identify
14 Plaintiff’s “associates.” Despite these objections, none of the Defendants have any
15 documents responsive to this request.

16 **REQUEST NO. 7:**

17 All documents and things concerning the location, tracking of location of Plaintiff or
18 his associates.

19 **RESPONSE TO REQUEST NO. 7:**

20 No Defendant has any documents responsive to this request.

21 **REQUEST NO. 8:**

22 All documents and things concerning the facts or reputation of Plaintiff or his trade.

23 **RESPONSE TO REQUEST NO. 8:**

24 Objection. This request is vague and ambiguous and subject to differing
25 interpretation. Despite these objections, none of the Defendants have any documents
26 responsive to this request.

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1 **REQUEST NO. 9:**

2 All documents and things concerning harassment, trolling, vandalism, hacking, or
3 social media post, or any other behavior concerning Plaintiff or his trade.

4 **RESPONSE TO REQUEST NO. 9:**

5 Objection. This request is vague and ambiguous and subject to differing
6 interpretation. Despite these objections, none of the Defendants have any documents
7 responsive to this request.

8 **REQUEST NO. 10:**

9 Copy of any and all recorded interviews and respective transcripts conducted in
10 connection with this action.

11 **RESPONSE TO REQUEST NO. 10:**

12 No recorded interviews occurred in connection with this action.

13 **REQUEST NO. 11:**

14 Name, address, phone number, and email address of any witnesses that Each
15 Defendant intends to call at trial.

16 **RESPONSE TO REQUEST NO. 11:**

17 Please see Defendants' Rule 26 Disclosure list of witnesses.

18 **REQUEST NO. 12:**

19 Name, address, phone number, and email address of all witnesses of the arrest and
20 concerning incidents to the arrest in this action, including, but not limited to officers and
21 supervisors at the scene, dispatchers, and the passengers of the silver Hyundai Elantra that
22 Bourque was interacting with on March 15, 2023 related to this action.

23 **RESPONSE TO REQUEST NO. 12:**

24 Please see Defendants' Rule 26 Disclosure list of witnesses.

25 **REQUEST NO. 13:**

26 Copy of any and all crime scene analysis and/or forensic reports, results, requests for
27 examination and/or testing performed on any of the physical or biological evidence collected
28 concerning this action, specifically but not limited to, the results of any testing involving

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1 blood, DNA, hair, fingerprints, shoeprints or other samples taken, and information of
2 evidence gathered but not tested in this action.

3 **RESPONSE TO REQUEST NO. 13:**

4 Objection. This request is harassing as Plaintiff knows that no responsive documents
5 exist. All documents related to Plaintiff's arrest were produced in Defendants' Rule 26
6 disclosure.

7 **REQUEST NO. 14:**

8 Copy of any and all audio recordings and related documentation including but not
9 limited to 911 calls, CAD to CAD, dispatch calls, communication logs and any otherwise
10 memorialized communications concerning this action (including but not limited to any
11 communications where officers discuss "first amendment auditors", "the recording of
12 police", this action, incidents including leading up to this action and after the alleged
13 incident concerning this action, the Plaintiff, or his associates).

14 **RESPONSE TO REQUEST NO. 14:**

15 Please see Exhibit 16 provided in LVMPD's First Supplemental Disclosure of
16 Witnesses and Documents. It is also provided on the following Drop Box Link
17 <https://www.dropbox.com/t/YbCeJo2I2RC3xo0m> and is available for download until
18 January 18, 2024.

19 **REQUEST NO. 15:**

20 Copy of any and all photographs taken and or gathered, crime scene diagrams
21 drafted and investigative reports prepared by law enforcement in connection with this action,
22 including but not limited to, property inventory reports, impound reports and images of the
23 scene concerning any alleged incident concerning this action.

24 **RESPONSE TO REQUEST NO. 15:**

25 There are no documents responsive to this request beyond the documents produced
26 in Defendants' Rule 26 disclosures.

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1 **REQUEST NO. 16:**

2 Disclosures of any and all details of any compensation, express or implies promises
3 of favorable treatment or leniency or any other benefit that any of the State’s witnesses
4 received or expect to receive in exchange for their cooperation with the concerning
5 prosecution or litigation, including but not limited to, any promise made to any witness to
6 provide monetary support, counseling and/or treatment.

7 **RESPONSE TO REQUEST NO. 16:**

8 Objection. This request appears to be drafted in response to Plaintiff’s criminal case.
9 The Defendants do not have any documents responsive to this request.

10 **REQUEST NO. 17:**

11 Copy of any and all written statements, reports and/or information provided by the
12 alleged victims.

13 **RESPONSE TO REQUEST NO. 17:**

14 Objection. Plaintiff claims he is the “victim” in this case. Therefore, any responsive
15 documents are in Plaintiff’s possession.

16 **REQUEST NO. 18:**

17 Copy of any and all video and/or audio recordings of the alleged incident and/or
18 otherwise related to the allegations in this case, including but not limited to body camera
19 video recordings (including but not limited to any communications where officers discuss
20 “first amendment auditors”, “the recording of police”, this action, incidents including and
21 leading up to this action and after the alleged incident concerning this action, the Plaintiff, or
22 his associates).

23 **RESPONSE TO REQUEST NO. 18:**

24 Please see Body Worn Camera footage produced in Defendants’ Rule 26 disclosures.

25 **REQUEST NO. 19:**

26 Complete criminal histories of all State witnesses.
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1 **RESPONSE TO REQUEST NO. 19:**

2 Objection. This request appears to be drafted in response to Plaintiff's criminal case.
3 The Defendants do not have any documents responsive to this request.

4 **REQUEST NO. 20:**

5 Any and all information bearing on the truthfulness or bad character of the State
6 witnesses, including but not limited to, any contempt citations issued against the witnesses,
7 any past instances of dishonesty, fraud, lying or violence on the part of the witness that is
8 known to the State or its agents.

9 **RESPONSE TO REQUEST NO. 20:**

10 Objection. This request appears to be drafted in response to Plaintiff's criminal case.
11 The Defendants do not have any documents responsive to this request.

12 **REQUEST NO. 21:**

13 Any and all documents made by any State witness or any other person that are in any
14 manner inconsistent with the written and/or recorded statements previously provided to the
15 Plaintiff.

16 **RESPONSE TO REQUEST NO. 21:**

17 Objection. This request appears to be drafted in response to Plaintiff's criminal case.
18 The Defendants do not have any documents responsive to this request.

19 **REQUEST NO. 22:**

20 Any documents, including but not limited to copies of emails, text messages,
21 memorandums, involving any law enforcement officer or other state personnel in which the
22 Plaintiff is mentioned by name or reference.

23 **RESPONSE TO REQUEST NO. 22:**

24 Objection. This request is unduly burdensome, overly broad, and fishing expedition.
25 All of the Defendants have reviewed their cell phones and computers and found no
26 documents responsive to this request.

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1 **REQUEST NO. 23:**

2 Any and all personnel/discipline documents for any law enforcement officer or other
3 state personnel involved in this action including any past or prior discipline or reprimand for
4 said officer's actions which were alleged or found to have violated the civil rights or
5 liberties of other individuals.

6 **RESPONSE TO REQUEST NO. 23:**

7 Objection. This is request is overbroad, unduly burdensome and violates unspecified
8 individuals' privacy rights. Specifically, the request "for any law enforcement officer or
9 other state personnel" is overbroad and unspecific and involves individuals these Defendants
10 have no control over. Notwithstanding this objection, none of the named defendants has ever
11 been found to have violated the civil rights or liberties of a citizen.

12 **REQUEST NO. 24:**

13 Any materials, written or otherwise recorded, relating to training any officers
14 involved in the underlying case have received training said officers about the First
15 Amendment, the rights of citizens to film officers, and the relation between the First
16 Amendment and obstruction of an officer's duties, including any policy manuals provided to
17 any officer in this case which addresses those issues.

18 **RESPONSE TO REQUEST NO. 24:**

19 See LVMPD training produced as LVMPD 000071 – 001321.

20 **REQUEST NO. 25:**

21 A list of any remedial or other training concerning the incidents of the case, as well
22 as the contents of that training, provided to the officers involved in this case or the rest of the
23 department concerning or as the result of this case or where the contents of the training is
24 related to the type of incident in this case.

25 **RESPONSE TO REQUEST NO. 25:**

26 No remedial training occurred as a result of this case.
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1 **REQUEST NO. 26:**

2 Any of the department's use of force, arrest, misdemeanor arrest, and interactions
3 with the public policies, including any polices on dealing with the media, press, the freedom
4 of speech, and recording police. Including any memos related to any of this, that were in
5 effect during the time of the arrest or that were enacted or distributed after.

6 **RESPONSE TO REQUEST NO. 26:**

7 Please see LVMPD 000032-000070.

8 **REQUEST NO. 27:**

9 Any document, photograph, or other paper that the party intends to introduce at trial.

10 **RESPONSE TO REQUEST NO. 27:**

11 Please see Defendants' Rule 26 disclosures.

12 **REQUEST NO. 28:**

13 Any exculpatory evidence that could help the Plaintiff.

14 **RESPONSE TO REQUEST NO. 28:**

15 Objection. This request appears to be drafted in response to Plaintiff's criminal case.
16 The Defendants do not have any documents responsive to this request.

17 **REQUEST NO. 29:**

18 All non-privileged documents and things concerning this action.

19 **RESPONSE TO REQUEST NO. 29:**

20 Please see Defendants' Rule 26 disclosures.

21 **REQUEST NO. 30:**

22 All non-privileged documents that Defendant sent to or received from any person
23 concerning this action.

24 **RESPONSE TO REQUEST NO. 30:**

25 Please see Defendants' Rule 26 disclosures.

26 **REQUEST NO. 31:**

27 All non-privileged communications concerning Plaintiff or this action.

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1 **RESPONSE TO REQUEST NO. 31:**

2 Please see Defendants' Rule 26 disclosures.

3 **REQUEST NO. 32:**

4 All documents including body worn camera video, audio recordings, dashcam video,
5 interview recordings, internal security audio and video, external security audio and video
6 that include Each Defendant for the entire date of March 15, 2023.

7 **RESPONSE TO REQUEST NO. 32:**

8 Objection. This request is overbroad and unduly burdensome and seeks information
9 unrelated to the subject incident. Further, the request seeks information that invades non-
10 party privacy rights.

11 **REQUEST NO. 33:**

12 All documents related to insurance policies that may cover liability concerning this
13 action or that was expected to cover liability concerning this action.

14 **RESPONSE TO REQUEST NO. 33:**

15 See LVMPD 000071 – 001321.

16 Dated this 18th day of December, 2023.

17 MARQUIS AURBACH

18 By /s/ Craig R. Anderson
19 Craig R. Anderson, Esq.
20 Nevada Bar No. 6882
21 10001 Park Run Drive
22 Las Vegas, Nevada 89145
23 Attorneys for Defendants

24 **CERTIFICATE OF MAILING**

25 I hereby certify that on the 18th day of December, 2023, I served a copy of the
26 foregoing **DEFENDANTS LVMPD, OFC. TORREY, OFC. BOURQUE, OFC.**
27 **DINGLE, OFC. SORENSON, OFC. SANDOVAL AND OFC. DOOLITTLE'S**
28 **RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF**
DOCUMENTS upon each of the parties by depositing a copy of the same in a sealed

1 envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage fully prepaid,
2 and addressed to:

3 Jose DeCastro
4 4616 W. Sahara Ave., Ste. 1, Box 271
5 Las Vegas, NV 89102-3654
6 Plaintiff Pro Se

7 and that there is a regular communication by mail between the place of mailing and the
8 place(s) so addressed.

9 s/Sherri Mong
10 an employee of Marquis Aurbach

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MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

Exhibit B

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 **Marquis Aurbach**
2 Craig R. Anderson, Esq.
3 Nevada Bar No. 6882
4 Nicholas M. Adams, Esq.
5 Nevada Bar No. 15859
6 10001 Park Run Drive
7 Las Vegas, Nevada 89145
8 Telephone: (702) 382-0711
9 Facsimile: (702) 382-5816
10 canderson@maclaw.com
11 nadams@maclaw.com

12 Attorneys for Defendants LVMPD, Ofc. Torrey, Ofc. Bourque, Ofc. Dingle, Ofc.
13 Sorenson, Ofc. Sandoval and Ofc. Doolittle

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 JOSE DECASTRO,

17 Plaintiff,

18 vs.

19 LAS VEGAS METROPOLITAN POLICE
20 DEPARTMENT; STATE OF NEVADA;
21 BRANDEN BOURQUE; JASON TORREY;
22 C. DINGLE; B. SORENSON; JESSE
23 SANDOVAL; OFFICER DOOLITTLE and
24 DOES 1 to 50, inclusive,

25 Defendants.

Case Number:
2:23-cv-00580-APG-EJY

DEFENDANTS LVMPD, OFC.
TORREY, OFC. BOURQUE, OFC.
DINGLE, OFC. SORENSON, OFC.
SANDOVAL AND OFC. DOOLITTLE'S
FIRST SUPPLEMENTAL
DISCLOSURE OF WITNESSES AND
DOCUMENTS

26 Pursuant to FRCP 26(f), Defendants Las Vegas Metropolitan Police Department
27 ("LVMPD"), Ofc. Torrey, Ofc. Bourque, Ofc. Dingle, Ofc. Sorenson, Ofc. Sandoval and
28 Ofc. Doolittle (collectively "LVMPD Defendants"), by and through their attorneys of
record, Marquis Aurbach, hereby provide their First Supplemental Disclosure of Witnesses
and Documents in the above-referenced matter. **(All supplements are in bold.)**

I. WITNESSES

- 1. 30(b)(6) Las Vegas Metropolitan Police Department
c/o Marquis Aurbach
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 This witness is expected to testify regarding the facts and circumstances surrounding
2 the allegations in Plaintiff's Complaint and any other matters relied upon at the time of
3 arbitration or trial.

4 2. Ofc. Torrey
5 c/o Marquis Aurbach
6 10001 Park Run Drive
7 Las Vegas, Nevada 89145
8 (702) 382-0711

9 Ofc. Torrey is expected to testify regarding the facts and circumstances surrounding
10 the allegations in Plaintiff's Complaint and any other matters relied upon at the time of
11 arbitration or trial.

12 3. Ofc. Bourque
13 c/o Marquis Aurbach
14 10001 Park Run Drive
15 Las Vegas, Nevada 89145
16 (702) 382-0711

17 Ofc. Bourque is expected to testify regarding the facts and circumstances
18 surrounding the allegations in Plaintiff's Complaint and any other matters relied upon at the
19 time of arbitration or trial.

20 4. Ofc. Dingle
21 c/o Marquis Aurbach
22 10001 Park Run Drive
23 Las Vegas, Nevada 89145
24 (702) 382-0711

25 Ofc. Dingle is expected to testify regarding the facts and circumstances surrounding
26 the allegations in Plaintiff's Complaint and any other matters relied upon at the time of
27 arbitration or trial.

28 5. Ofc. Sorenson
c/o Marquis Aurbach
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 Ofc. Sorenson is expected to testify regarding the facts and circumstances
2 surrounding the allegations in Plaintiff's Complaint and any other matters relied upon at the
3 time of arbitration or trial.

4 6. Ofc. Sandoval
5 c/o Marquis Aurbach
6 10001 Park Run Drive
7 Las Vegas, Nevada 89145
8 (702) 382-0711

9 Ofc. Sandoval is expected to testify regarding the facts and circumstances
10 surrounding the allegations in Plaintiff's Complaint and any other matters relied upon at the
11 time of arbitration or trial.

12 7. Ofc. Doolittle
13 c/o Marquis Aurbach
14 10001 Park Run Drive
15 Las Vegas, Nevada 89145
16 (702) 382-0711

17 Ofc. Doolittle is expected to testify regarding the facts and circumstances
18 surrounding the allegations in Plaintiff's Complaint and any other matters relied upon at the
19 time of arbitration or trial.

20 **II. DOCUMENTS**

- 21 1. CAD Report for Event No. LLV230300064617 (LVMPD 000001 - 000004);
- 22 2. Cad until Log by Incident Number (LVMPD 000005 - 000009);
- 23 3. IA Statement of Complaint (LVMPD 000010 - 000015);
- 24 4. LVMPD Incident Report (LVMPD 000016 - 000025);
- 25 5. Citation (LVMPD 000026 - 000027);
- 26 6. Declaration of Arrest (LVMPD 000028);
- 27 7. Temporary Custody Record (LVMPD 000029);
- 28 8. LVMPD Detention Services Division Booking Voucher (LVMPD 000030);
- 9. IAB Complaint Form (LVMPD 000031);
- 10. LVMPD Use of Force Policy 3.110 (LVMPD 000032 - 000066);

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10001 Park Run Drive
Las Vegas, Nevada 89145
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- 1 11. LVMPD Arrests Without Warrants Policy 4.102 (LVMPD 000067 -
- 2 000070)¹;
- 3 12. All Body Worn Camera footage;²
- 4 13. LVMPD Lesson Plans dated December 2015 regarding Policies 3.02,
- 5 3.04, 3.19, 3.20, 4.05, 6.13, 8.05, 8.24 and 13.08 (LVMPD 000071 - 000527);
- 6 14. LVMPD Lesson Plans dated February 2016 regarding Policies 3.02, 3.04,
- 7 3.19, 3.20, 4.05, 8.05, 8.24, 8.26, 13.08 and 16.19 (LVMPD 000528 – 000893);
- 8 15. LVMPD Lesson Plans dated February 2022 regarding Policies 3.02, 3.04,
- 9 3.09, 3.16, 4.05, 6.01, 8.18, 10.08, 13.08 and 16.05 (LVMPD 000894 - 001321); and
- 10 16. Radio Calls.³

11 **III. COMPUTATION OF DAMAGES**

12 Not applicable. The LVMPD Defendants reserve the right to amend/supplement
13 their computation of damages.

14 **IV. INSURANCE**

15 Not applicable. Defendant LVMPD is self-insured.

16 Dated this 18th day of December, 2023.

17 MARQUIS AURBACH

18 By /s/ Craig R. Anderson
19 Craig R. Anderson, Esq.
20 Nevada Bar No. 6882
21 10001 Park Run Drive
22 Las Vegas, Nevada 89145
23 Attorneys for Defendants

24 ¹ LVMPD 000001 – 000070 are provided on <https://www.dropbox.com/t/hs3JH3A18ErXSv9J> and
25 available for download until December 16, 2023.

26 ² Due to size all BWC footage is provided on a flash drive that will be mailed to Plaintiff.

27 ³ Exhibits 13-16 are provided on the following Drop Box Link
28 <https://www.dropbox.com/t/YbCeJo2l2RC3xo0m> and are available for download until January 18,
2024.

CERTIFICATE OF MAILING

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I hereby certify that on the 18th day of December, 2023 I served a copy of the foregoing **DEFENDANTS’ FIRST SUPPLEMENTAL DISCLOSURE OF WITNESSES AND DOCUMENTS** upon each of the parties by depositing a copy of the same in a sealed envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage fully prepaid, and addressed to:

Jose DeCastro
4616 W. Sahara Ave., Ste. 1, Box 271
Las Vegas, NV 89102-3654
Plaintiff Pro Se

and that there is a regular communication by mail between the place of mailing and the place(s) so addressed.

s/Sherri Mong
an employee of Marquis Aurbach

MARQUIS AURBACH
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Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

Exhibit C

Craig Anderson

From: Craig Anderson
Sent: Thursday, December 21, 2023 12:12 PM
To: Chille DeCastro
Cc: Sherri Mong; 14687_456 _Las Vegas Metropolitan Police Department _ RM_ L23
_K608963_01CR DeCastro_ Jose adv_ 4_ E_Mails _EMAIL_ 14687_456
Subject: Written Discovery Responses [IWOV-iManage.FID1262516]

Here is the dropbox link:

<https://www.dropbox.com/t/YbCeJo2I2RC3xo0m>



Craig R. Anderson, Esq.

10001 Park Run Drive
Las Vegas, NV 89145
t | 702.942.2136
f | 702.382.5816
canderson@maclaw.com | [vcard](#)
maclaw.com

Martindale-Hubbell®



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DO NOT read, copy or disseminate this communication unless you are the intended addressee. This e-mail communication contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us (collect) immediately at (702) 382-0711 and ask to speak to the sender of the communication. Also please e-mail the sender and notify the sender immediately that you have received the communication in error. Thank you. Marquis Aurbach - Attorneys at Law