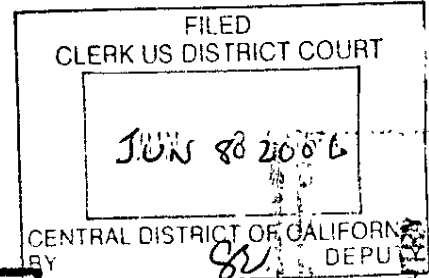
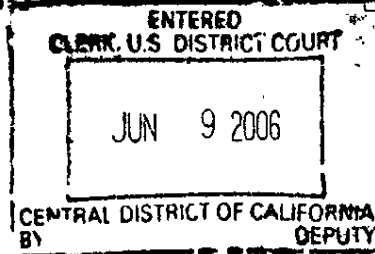


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THE ESTATE OF
CHRISTOPHER G.L.
WALLACE, by and through its
Personal Representatives, et al.,

Plaintiffs,

vs.

CITY OF LOS ANGELES, et al.,

Defendants.

CV 02-2929 FMC (RZx)

ORDER ON DEFENSE REQUEST
TO TERMINATE DISCOVERY

On May 23, 2006, the defense presented the Court with a copy of a report prepared by an investigator for plaintiffs' counsel. That report detailed an interview with Kenneth Boagni and had been in the possession of counsel for plaintiffs since November 2002. The report was four pages in length and contained virtually all of the statements, allegations, and representations which came to the attention of this Court last year. It was defendant's position, and the Court's initial reaction, that plaintiffs' counsel had misrepresented to the Court his surprise and shock at learning about this witness in the middle of trial.

Both sides have filed voluminous documents with the Court on the question of whether the Court had been deceived by plaintiffs' counsel. After having reviewed all of the evidence and arguments presented, the Court is satisfied that no

1 such deception took place.

2 The Court believes that when first confronted with Mr. Boagni's statements,
3 in late 2002, counsel for plaintiffs reasonably believed that they were not credible.
4 Boagni said he had told many officers of the Los Angeles Police Department that
5 Perez confessed to him that he and David Mack had participated in the murder of
6 Wallace. The complete lack of corroboration of such police reports convinced
7 plaintiffs' counsel that there was no merit to the statements. What shocked
8 plaintiffs' counsel during trial was not the information that Mr. Perez had allegedly
9 confessed to Boagni, but that the police knew about it.

10 No discovery had been produced that even hinted at police interviews of
11 Boagni, leading plaintiffs' counsel to conclude Boagni had been lying. In fact, as
12 was unveiled during the days and weeks following the cessation and ultimate
13 mistrial of the case, hundreds of documents concerning the many interviews of
14 Boagni had been deliberately concealed by defendant.

15 In connection with this pending motion, defendant criticizes the quality of
16 plaintiffs' discovery efforts and contends they should have asked better questions,
17 dug deeper, or searched more thoroughly. The arguments, of course, are
18 meaningless, because it is now obvious that no amount of discovery would have
19 revealed these intentionally concealed documents.

20 The Court finds that plaintiffs' counsel misrepresented neither the surprise at
21 the discovery that the police had actively investigated Mr. Boagni, nor its
22 significance to this case. Plaintiffs may continue to take the depositions which the
23 Court authorized following the recent revelation of a previously undisclosed Internal
24 Affairs Investigation of Officers Mack and Perez for the murder of Wallace.

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1 This matter is set for trial on October 16, 2006, at 9:00 a.m. Pre-Trial
2 conference is set for September 18, 2006, at 9:30 a.m. All discovery is to be
3 concluded by July 31, 2006.

4
5
6 June 8, 2006


FLORENCE-MARIE COOPER, Judge
UNITED STATES DISTRICT COURT