

Wiley Rein Obtains Decision Rebuking the Baltimore Police Department for its Abusive Discovery Conduct in a Civil Rights Case

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Wiley Rein attorneys Richard A. Simpson, Mary E. Borja, Craig Smith and Benjamin Kohr, along with co-counsel Deborah Jeon of the Maryland ACLU, recently obtained a favorable decision on their motion to stop abusive discovery tactics employed by the Baltimore Police Department in a civil rights case brought in Maryland federal court. Wiley Rein's client in the case, Christopher Sharp, brought suit against the Police Department and others based on an incident at the 2010 Preakness in which police officers seized Sharp's mobile phone and deleted its recordings, including personal videos. Sharp had video recorded officers forcibly arresting a patron at the Preakness before other police officers deleted all of his videos.

In a ruling made public last Friday, U.S. Magistrate Susan K. Gauvey granted Sharp's motion to preclude almost all of the discovery the Police Department sought from Sharp and various third-parties, which included almost all of the discovery it sought regarding medical records, employment records and cell phone records from months after the 2010 Preakness—none of which had any relevance to the issues in the case. Magistrate Judge Gauvey noted that the Police Department had engaged in a "veritable witch hunt." She also stated that the conduct of the Police Department's counsel in asking questions of Sharp at deposition was "appalling." Finally, Magistrate Judge Gauvey ordered the Police Department to pay \$1,000 in sanctions for its misconduct.

Mr. Sharp filed his First Amendment and Fourth Amendment lawsuit in 2011. Wiley Rein represents Mr. Sharp on a pro bono basis. The U.S. Department of Justice took the extraordinary step of issuing a

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statement in connection with this case supporting the constitutional right to record police actions taken in public.

A copy of the court's decision can be found [here](#).