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November 29, 2016

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U.S. MAGISTRATE JUDGE
WICHITA, KANSAS 67202

Via Hand Delivery

Hon. Kenneth G. Gale
Magistrate Judge
United States District Court
401 N. Market, Suite 403
Wichita, KS 67202

RE: Mayfield v. Bethards, 14-CV-01307-JTM-KGG

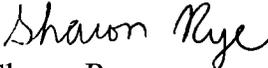
Dear Judge Gale,

Enclosed, please find for the Court's *in camera* review Deputy Bethards' personnel file from the Harvey County Sheriff's Department. Please note that Deputy Bethards' personal information (including his social security number, date of birth, home address, and telephone number) has been redacted.

Although Deputy Bethards is submitting the information pursuant to this Court's Order, he insists that this information is not relevant to any claim, defense, or likely to lead to the discovery of any such information. In particular, the sole legal inquiry is whether the shooting was ***objectively reasonable***. See *Brigham City v. Stuart*, 547 U.S. 398, 404 (2006); *Graham v. Connor*, 490 U.S. 386, 397 (1989). The subjective intentions of Deputy Bethards is categorically irrelevant. *Id.* More importantly, the doctrine of qualified immunity protects him from being subjected to the wide-ranging requests applicable in the civil discovery regime. See *Cole v. Ruidoso Mun. Sch.*, 43 F.3d 1373, 1387 (10th Cir. 1994); *Lewis v. Ft. Collins*, 903 F.2d 752, 755 (10th Cir. 1990). Discovery such as that sought by Plaintiffs that does not involve the objective legal reasonableness is therefore outside the scope of Fed. R. Civ. P. 34 and denies Deputy Bethards his entitlement to be free from the burden of overbroad discovery.

Very truly yours,

FOULSTON SIEFKIN LLP


Sharon Rye

SER
Enclosure

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