

3-12-1954

Carroll v. Superior Court In and For City and County of San Francisco

Roger J. Traynor

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Recommended Citation

Roger J. Traynor, *Carroll v. Superior Court In and For City and County of San Francisco* 42 Cal.2d 874 (1954).
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[S. F. No. 18771. In Bank. Mar. 12, 1954.]

FRANCIS CARROLL, Petitioner, v. THE SUPERIOR COURT OF THE CITY AND COUNTY OF SAN FRANCISCO, Respondent; DONALD E. PRESLEY, Real Party in Interest.

PROCEEDING in prohibition to restrain the Superior Court of the City and County of San Francisco from enforcing an order for inspection of photographs. Writ granted.

Landels & Weigel and Stanley A. Weigel for Petitioner.

No appearance for Respondent.

Dan L. Garrett, Jr., for Real Party in Interest.

SHENK, J.—The petitioner seeks a writ of prohibition to restrain the respondent court from enforcing its order for the inspection of certain photographs in his possession. An alternative writ was issued.

The order was made in an action entitled *Presley v. Pacific Greyhound Lines*, now pending in the respondent court. The plaintiff therein seeks to recover damages allegedly suffered by him from injuries received while riding on the defendant's bus and caused by defendant's alleged negligence in operating the bus. Before trial in that action the plaintiff moved under section 1000 of the Code of Civil Procedure for an order permitting him to inspect and copy photographs in the possession and control of defendant and its attorney, Francis Carroll, the present petitioner.