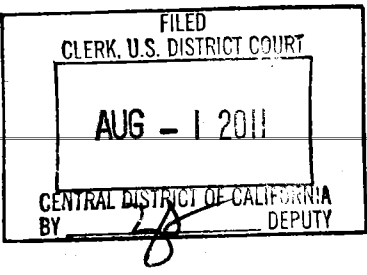


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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DARNELL LUCKY,  
Petitioner,  
v.  
VINCENT CULLEN, WARDEN OF  
SAN QUENTIN,  
Respondent.

CASE NO. CV 91-0583 TJH  
**PROTECTIVE ORDER FOR  
DISTRICT ATTORNEY FILES**

Based upon the Stipulation of the Parties and, GOOD CAUSE APPEARING, IT IS ORDERED THAT,

1. The PROTECTED DOCUMENTS, as defined in the Stipulation, shall be used solely in connection with the preparation and trial of this action, Case No. CV 91-0583 TJH, or any related appellate proceeding, and not for any other purpose, including any other litigation. This paragraph shall not preclude the Petitioner's attorney of record in this case from indicating, in connection with discovery or a discovery motion in another action, an awareness of responsive documents. In indicating such awareness in any other action, the Petitioner's attorney of record shall not disclose the substance of the Confidential Information.

2. The PROTECTED DOCUMENTS shall be treated as confidential by

1 Petitioner and his counsel and shall not be further disclosed, disseminated or  
2 otherwise distributed except as provided in this Protective Order.

3 3. The PROTECTED DOCUMENTS, or any portion thereof, may not be  
4 disclosed, distributed or disseminated except as provided in subparagraph (d) below.

5 4. The PROTECTED DOCUMENTS, or any portion thereof, may only be  
6 disclosed to the following persons:

7 a. Counsel for Parties only and specifically not to Petitioner with  
8 the exception of any recordings, written or otherwise, of Petitioner's own statements;

9 b. All members of the Parties' legal teams, including, but not  
10 limited to, paralegal, investigative, support, stenographic, clerical and secretarial and  
11 related personnel regularly employed by counsel referred to in subparagraph (1)  
12 above.

13 c. The Court and Court personnel, including stenographic reporters  
14 engaged in such proceedings as are necessarily incidental to preparation for the trial  
15 of this action; and

16 d. Expert witnesses designated by the parties solely for the purpose  
17 of this litigation.

18 e. Any person who is shown the materials at any court proceeding,  
19 or court-ordered proceeding related to the above captioned case.

20 f. Any person who complies with Paragraph (5) below.

21 5. Furthermore, each person (except Court personnel) to whom disclosure  
22 of The PROTECTED DOCUMENTS, or any portion thereof, is made, with the  
23 exception of those identified in subparagraph d. above who are presumed to know  
24 the contents of this Protective Order, shall, prior to the time of disclosure, be  
25 provided a copy of this Protective Order by the person furnishing him/her such  
26 material, and shall agree on the record or in writing that he/she has read the  
27 Protective Order, and that he/she understands the provisions of the Protective Order,  
28 and that he/she agrees to be bound by the provisions of this Protective Order. Such

1 person (except Court personnel) also must consent in writing to be subject to the  
2 jurisdiction of the United States District Court, Central District of California, with  
3 respect to any proceeding relating to enforcement of this Order, including without  
4 limitation, any proceeding for contempt. Unless made on the record in this  
5 litigation, counsel making the disclosure to any person described above shall retain  
6 the original executed copy of said agreement until final termination of this litigation.

7         6. If the PROTECTED DOCUMENTS, or any portion thereof which were  
8 not part of a public filing, are filed with the Court in any form, such filing shall be  
9 under seal and shall not become public record without an unsealing order by the  
10 Court.

11         7. Nothing in paragraphs 1 to 6 is intended to prevent current or former  
12 officials or employees of the County of Los Angeles or other authorized  
13 governmental officials from having access to the PROTECTED DOCUMENTS if  
14 they would have had access in the normal course of their job duties. Further,  
15 nothing in this Protective Order prevents subsequent attorneys representing  
16 Petitioner in a re-trial or other post-trial proceedings from gaining access to the  
17 PROTECTED DOCUMENTS to the extent they are otherwise available through  
18 ordinary discovery procedures or similar means. Finally, nothing in this order  
19 precludes a witness from disclosing events or activities personal to him or her; that  
20 is, a witness can disclose to others information previously given to the County of  
21 Los Angeles with respect to what he or she saw, heard or otherwise sensed.

22         8. The foregoing is without prejudice to the right of the Petitioner and the  
23 DA:

24             a. To apply to the Court for a further protective order relating to  
25 confidential material or relating to discovery in this litigation; and

26             b. To apply to the Court for an order compelling production of  
27 documents or modification of this protective order or for any order permitting  
28 disclosure of documents or the information contained therein the terms of this

1 protective order.

2 c. Petitioner does not waive any right to assert, inter alia, that the  
3 DA does not have a legitimate interest or need to limit access to documents  
4 reflecting and/or related to its internal decision making process in Petitioner's case  
5 and does not waive his right seeking discovery of these documents. Petitioner does  
6 not waive his rights to seek disclosure of any and all documents in the possession of  
7 the DA relating to the District Attorney files for the cases subpoenaed and identified  
8 above on any and all applicable grounds, including but not limited to his rights and  
9 guarantees afforded to him by law.

10 9. Once the Protective Order issues, the following schedule will take  
11 effect, subject to extraordinary circumstances or by mutual agreement of the  
12 Plaintiff and the DA:

13 a. Within Fifteen (15) days of the notice to counsel for the DA, of  
14 the Court's entry of the Protective Order, the DA will make available, for inspection  
15 and/or photocopying all subpoenaed documents including all electronic documents  
16 in its custody or control, which are responsive to the above-referenced subpoenas  
17 duces tecum. Petitioner will bear the cost of duplicating the materials.

18 b. The Petitioner shall place a stamp on each PROTECTED  
19 DOCUMENT marked "Confidential-Subject to Protective Order" on only the hard  
20 (paper) copies of documents printed and used from the electronic disk or obtained  
21 via hard copy and used in the course of this litigation. If through its inadvertence,  
22 surprise or neglect, the Petitioner does not label a PROTECTED DOCUMENT as  
23 indicated, counsel for Petitioner shall so notify the DA and shall place the phrase  
24 "Confidential-subject to Protective Order," on the PROTECTED DOCUMENT.

25 c. Within Thirty (30) days after the date that an Order terminating  
26 this litigation becomes no longer subject to judicial review, counsel for Petitioner  
27 shall promptly return to the DA all copies of the PROTECTED DOCUMENTS and  
28 shall certify it has not retained any such documents, or portions thereof except as

1 required by the Court.

2 10. This Protective Order, when entered into by the Court, shall be  
3 effective immediately.

4 11. This Protective Order is entered into without prejudice to the right of  
5 any party and/or the DA to file any motion for relief from the Court from any  
6 restriction hereof or for any other or further restriction on the production, exchange,  
7 or use of any documents, testimony, or other information produced, given, or  
8 exchanged in the course of discovery in this action. This Order may be modified,  
9 amended, or vacated by further Order of the Court.

10 12. This Protective Order shall survive the final determination for this  
11 action and shall remain in full force and effect after conclusion of all proceedings  
12 herein, and the court shall have continuing jurisdiction to enforce its terms.

13

14 IT IS SO ORDERED.

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16 DATED: ~~July~~, 2011 August 1, 2011



HON. TERRY J. HATTER, JR.  
United States District Court Judge

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20 CC: FISCAL

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