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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

PAYMAN BORHAN,
Petitioner,
v.
KATHLEEN ALLISON, Warden,
Respondent.

NO. CV 06-06278-CAS-SH
PROTECTIVE ORDER

1 GOOD CAUSE HAVING BEEN SHOWN, the Parties' stipulated application
2 for a Protective Order is GRANTED.

3 1. This Court enters the following Protective Order regarding: (1) attorney-
4 client or work-product privileged documents and materials, including declarations,
5 from the files of habeas counsel Lisa M. Bassis and/or her representatives or from the
6 files of Petitioner Payman Borhan; (2) any related testimony provided at a deposition
7 or an evidentiary hearing to resolve Petitioner's claim of equitable tolling; and (3) any
8 reference to such documents or testimony in the parties' pleadings submitted to this
9 Court regarding Petitioner's entitlement to equitable tolling.

10 2. All documents included within the scope of this protective order that
11 Petitioner contends are privileged shall be clearly designated as such by labeling the
12 documents in a manner that does not prevent reading the text of the documents.

13 3. All documents and testimony referenced above, and/or produced to
14 Respondent in this action may be used only for the purposes of litigating the issue of
15 equitable tolling in this federal habeas action, and may not be disclosed or otherwise
16 shown to any party or individual other than: a) Petitioner and the members of his
17 legal team, *i.e.*, lawyers, paralegals, investigators, and support staff, assigned to
18 *Borhan v. Allison* by the Office of the Federal Public Defender, and persons retained
19 by Petitioner's counsel to litigate this matter, including, but not limited to, outside
20 investigators, consultants and expert witnesses; and b) Respondent and members of
21 her legal team, *i.e.*, lawyers, paralegals, investigators, and support staff, assigned to
22 *Borhan v. Allison* by the California Department of Justice, Attorney General's Office,
23 and persons retained by Respondent's counsel to litigate this matter, including, but not
24 limited to, outside investigators, consultants and expert witnesses. This Protective
25 Order extends to members of the legal teams and all persons retained by the parties to
26 litigate this matter. All such individuals shall be provided with a copy of this
27 Protective Order.


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1 4. Except for disclosure to the persons and agencies described in Paragraph
2 2, disclosure of the contents of the documents and testimony and the documents and
3 testimony themselves shall not be made to any other persons or agencies, including,
4 but not limited to, prosecutorial agencies and law enforcement personnel, without the
5 Court's order.

6 5. Any disclosure by Petitioner of privileged materials does not constitute a
7 waiver of the attorney-client or work product privileges beyond the scope of the issue
8 of equitable tolling. Nor does any disclosure related to the litigation of the equitable
9 tolling issue constitute a waiver of Petitioner's rights under the Fifth and Sixth
10 Amendments to the United States Constitution in the event of any retrial.

11 6. This order shall continue in effect through the conclusion of the habeas
12 corpus proceedings and shall continue to apply in the event of a retrial of all or any
13 portion of Petitioner's criminal case. Any modification or vacation of this order shall
14 only be made upon notice to and an opportunity to be heard from both parties.

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17 Dated: November 7, 2013



HONORABLE STEPHEN J. HILLMAN
UNITED STATES MAGISTRATE JUDGE

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19 Presented by:
20
21 /s/ Joseph A. Trigilio
22 JOSEPH A. TRIGILIO
Deputy Federal Public Defender

23 /s/ Daniel C. Chang
24 DANIEL C. CHANG
25 Deputy Attorney General

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