

DISCOVERY

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CITY OF LOS ANGELES

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

11 **ARNOLDO SAN JOSE, MARIA SAN**
 12 **JOSE, ESTATE OF BYRON SAN JOSE,**

13 *Plaintiffs,*

14 vs.

15 **CITY OF LOS ANGELES, WILLIAM**
 16 **BRATTON, DEREK MOUSSEAU, DOES**
 17 1 through 10, Incl,

17 *Defendants.*

CASE NO. CV09-1823AHM (VBKx)
 Complaint filed March 17, 2009

PROTECTIVE ORDER

20 THE PARTIES HAVING STIPULATED TO THE FOLLOWING, this Court
 21 hereby orders as follows:

- 23 1. The parties may designate as confidential the following:
- 24 [A] LAPD Force Investigation Division’s Report No. F019-08;
 - 25 [B] All compelled statements, whether written or recorded, of all involved
 - 26 police officers and city employees;
 - 27 [C] LAPD Internal Affairs’ report regarding the incident underlying this
 - 28 case;

1 [D] The identity of any persons who may have filed a personnel complaint
2 against any party to this lawsuit;
3 all of which Defendants believe might contain information of a privileged, confidential,
4 private or sensitive nature, by affixing to such document or writing a legend, such as
5 “Confidential.” “Confidential Documents,” “Confidential Material,” “Subject to Protective
6 Order” or words of similar effect. This category of documents and writings so designated,
7 and all information derived therefrom (hereinafter, collectively, “Confidential Information”),
8 shall be treated in accordance with the terms of this stipulation.

9 2. Confidential Information may be used by the persons receiving such
10 information only for the purpose of this litigation.

11 3. Subject to the further conditions imposed by this stipulation, Confidential
12 Information may be disclosed only to the following persons:

13 (a) Counsel for the parties and to experts, investigators, paralegal assistants,
14 office clerks, secretaries and other such personnel working under their supervision;

15 (b) Such other parties as may be agreed by written stipulation among the
16 parties hereto.

17 4. Prior to the disclosure of any Confidential Information to any person
18 described in paragraph 3(a) or 3(b), counsel for the party that has received and seeks to use
19 or disclose such Confidential Information shall first provide any such person with a copy of
20 this stipulation, and shall cause him or her to execute, on a second copy which counsel shall
21 thereafter serve on the other party the following acknowledgment:

22 “I understand that I am being given access to Confidential
23 Information pursuant to the foregoing stipulation and order.
24 I have read the Order and agree to be bound by its terms
25 with respect to the handling, use and disclosure of such
26 Confidential Information.

27 Dated: _____/s/_____”

28 5. Upon the final termination of this litigation, including any appeal

1 pertaining thereto, all Confidential Information and all copies thereof shall be returned to the
2 Defendants, except as to Court personnel. All Confidential Information disclosed to any
3 person or party pursuant to any provision hereof also shall be returned to the Defendants.

4 6. If any party who receives Confidential Information receives a subpoena
5 or other request seeking Confidential Information, he, she or it shall immediately give
6 written notice to the Defendants' counsel, identifying the Confidential Information sought
7 and the time in which production or other disclosure is required, and shall object to the
8 request or subpoena on the grounds of this stipulation so as to afford the Defendants an
9 opportunity to obtain an order barring production or other disclosure, or to otherwise respond
10 to the subpoena or other request for production or disclosure of Confidential Material. Other
11 than objecting on the grounds of this stipulation, no party shall be obligated to seek an order
12 barring production of Confidential Information, which obligation shall be borne by the
13 Defendants. However, in no event should production or disclosure be made without written
14 notice to Defendants' counsel unless required by court order after serving written notice to
15 defendants' counsel.

16 7. Any pleadings, motions, briefs, declarations, stipulations, exhibits or
17 other written submissions to the Court in this litigation which contain, reflect, incorporate
18 or refer to Confidential Information shall be filed and maintained under seal, after written
19 application to the Court made. If the Court approves the application to file the documents
20 under seal, the original and judge's copy of the document shall be sealed in separate
21 envelopes with a title page affixed to the outside of each envelope. No sealed or confidential
22 record of the Court maintained by the Clerk shall be disclosed except upon written order of
23 the Court.

24 8. Counsel for the parties hereto agree to request that any motions,
25 applications or other pre-trial proceedings which could entail the discussion or disclosure of
26 Confidential Information be heard by the Court outside the presence of the jury, unless
27 having heard from counsel, the Court orders otherwise. Counsel for the parties further agree
28 to request that, during any portion of the trial of this action which could entail the discussion

1 or disclosure of Confidential Information, access to the courtroom be limited to parties, their
2 counsel and other designated representative, experts or consultants who agree to be bound
3 by this stipulation, and court personnel, unless having heard from counsel, the Court orders
4 otherwise.

5 9. Nothing herein shall prejudice any party's rights to object to the
6 introduction of any Confidential Information into evidence, on grounds including but not
7 limited to relevance and privilege.

8 10. This Protective Order survives settlement, trial and/or appeal.

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10 **IT IS SO ORDERED.**

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13 DATED: __April 13, 2010__

/s/

14 **HONORABLE VICTOR B. KENTON**
15 **UNITED STATES MAGISTRATE JUDGE**