

1 BARRAZA initiated by other law enforcement personnel, within the last five years
2 which assert any of the following allegations: use of excessive force; dishonesty or
3 lack of truthfulness; fabrication of probable cause or improper detention; and any
4 information related to any COUNTY OF LOS ANGELES SHERIFF'S
5 DEPARTMENT Internal Affairs Bureau investigation of the incident that is the
6 subject of this litigation or which is contained in any file of such investigation.

7 2. Good cause exists for issuance of a protective order pursuant to Federal
8 Rule of Civil Procedure Section 26(c) to facilitate the production of documents and
9 information responsive to the discovery requests of Plaintiff LUIS SANDOVAL
10 (hereinafter "PLAINTIFF") and to balance the privacy interests and protection of
11 information of DEPUTY BARRAZA that is protected by California Evidence Code
12 Section 1040 et seq. and the official information privilege (Sanchez v. City of Santa
13 Ana, 936 F.2d 1027, 1033 (9th Cir. 1990)).

14 IT IS FURTHER STIPULATED THAT:

15 3. The information and/or documentation referred to in paragraph 1 above
16 will be referred to collectively as the "CONFIDENTIAL INFORMATION." The
17 Court orders that the CONFIDENTIAL INFORMATION be released to
18 PLAINTIFF's counsel for purposes of litigation in this matter. The parties and their
19 respective counsel hereby stipulate that the CONFIDENTIAL INFORMATION shall
20 be used in this litigation as follows:

21 a. CONFIDENTIAL INFORMATION and the information contained
22 therein shall be used solely in connection with this litigation and the
23 preparation of this case, or any related appellate proceeding, and
24 not for any other purpose, including any other litigation or
25 administrative proceedings. Further, PLAINTIFF's Counsel agrees
26 that CONFIDENTIAL INFORMATION and the information
27 contained therein shall not be disclosed to his client or his client's
28 family;

- 1 b. CONFIDENTIAL INFORMATION produced in this action may be
2 designated by DEPUTY DEFENDANTS by marking each page of
3 the document(s) designated with a stamp stating
4 "CONFIDENTIAL" which shall be placed so as not to obliterate or
5 obscure any words or information on the document;
- 6 c. In the event that any document marked "CONFIDENTIAL" is to be
7 produced at trial then the party proposing to produce that document
8 shall use a copy which has not been tampered with by being marked
9 "CONFIDENTIAL." For this purpose, defendants shall produce to
10 PLAINTIFF's Counsel unmarked copies of any documents which
11 PLAINTIFF's Counsel advises will be required for production in
12 evidence;
- 13 d. Under no circumstances shall the CONFIDENTIAL
14 INFORMATION, or the information contained therein, be retained,
15 compiled, stored, used as a database, or disseminated, in any form,
16 except for purposes of this litigated matter in accordance with this
17 Protective Order or by further order of the court;
- 18 e. DEPUTY DEFENDANTS reserve all objections, including but not
19 limited to the following objections: on grounds that particular
20 documents are CONFIDENTIAL by the attorney-client and/or the
21 attorney work product doctrine; official information privilege; are
22 not likely to lead to the discovery of admissible evidence, and as
23 such are not relevant to the causes of action raised by this lawsuit
24 under Federal Rules of Civil Procedure, Rule 26(a)(1)(A)(B); and
25 all remedies under the code, including the right to recess the
26 deposition to bring a protective order before the Court;
- 27 f. PLAINTIFF reserves all rights and remedies under the Federal
28 Rules of Civil Procedure and the Federal Rules of Evidence

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- pertaining to discovery;
- g. CONFIDENTIAL INFORMATION and the information contained therein may not be disclosed, except as set forth in paragraph 2(g) below;
- h. CONFIDENTIAL INFORMATION and the information contained therein may only be disclosed to the following persons:
 - i. Counsel for PLAINTIFF.
 - ii. Paralegal, law clerk, stenographic, clerical and secretarial personnel regularly employed by counsel referred to in paragraph 2(g)(i) above.
 - iii. Court personnel, including stenographic reporters, necessary for the preparation and processing of this action.
 - iv. Experts and investigators retained by plaintiff's counsel in this case and subject to the provision of notice in accordance with paragraph 4.
 - v. Any individual approved by the Court.
- h. CONFIDENTIAL INFORMATION shall not be divulged to any other person or entities, including the print, radio, television media;
- i. CONFIDENTIAL INFORMATION shall not be posted on the internet or on any website;
- j. If CONFIDENTIAL INFORMATION is included in any papers to be filed in Court, ~~such papers shall be labeled "Confidential— Subject to Court Order" and filed under seal until further order of the Court~~ such papers shall be accompanied by an application, pursuant to Local Rule 79-5.1, to file the papers -- or the confidential portion thereof -- under seal. The application shall be directed to the judge to whom the papers are directed. Pending the ruling on the application, the papers or portions thereof subject to

1 the sealing application shall be lodged under seal;

2 k. In the event that any of the CONFIDENTIAL INFORMATION is
3 used in any Court proceeding in this action, it shall not lose its
4 confidential status through such use, and the party using
5 CONFIDENTIAL INFORMATION shall ~~take all reasonable steps~~
6 ~~to maintain its confidentiality~~ take up that matter with the judicial
7 officer conducting the proceeding at the appropriate time and in the
8 appropriate manner; and

9 l. Nothing in paragraph 2(c) is intended to prevent authorized
10 government officials for the County of Los Angeles from having
11 access to the documents if they had access in the normal course of
12 their job duties;

13 4. PLAINTIFF, PLAINTIFF's Counsel, DEPUTY BARRAZA, and
14 DEPUTY BARRAZA's Counsel shall cause the substance of this Protective Order to
15 be communicated and obtain agreement to abide by the Protective Order to each
16 person whom CONFIDENTIAL materials are revealed in accordance with this Order,
17 and;

18 5. After completion of the judicial process in this case, including any
19 appeals or other termination of this litigation, all CONFIDENTIAL INFORMATION
20 received under the provisions of this Order and copies thereof shall be destroyed or
21 returned to the attorneys of record for DEPUTY BARRAZA, Collins, Collins, Muir
22 + Stewart, LLP, 1100 El Centro Street, South Pasadena, CA 91030. The provisions
23 of this Order shall be in effect until further order of this Court.


24 6. That any counsel, expert or consultant retained in the instant case or
25 investigator retained by counsel for any party to this case, shall not disclose the
26 CONFIDENTIAL INFORMATION or the information contained therein in any other
27 court proceeding subject to further order of this Court;

28 7. Provisions of this Order insofar as they restrict disclosure and the use of

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DATED: March 1, 2011


Honorable Jay C. Gandhi
UNITED STATES MAGISTRATE JUDGE