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8 Attorneys for Defendants COUNTY OF LOS ANGELES, LOS ANGELES
 9 SHERIFF’S DEPARTMENT, LEROY D. BACA, LARRY L. WALDIE, MARVIN
 10 O. CAVANAUGH, PAUL K. TANAKA, ROBERTA ABNER, DENNIS BURNS
 11 and ALEXANDER R. YIM

12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA**

14 DARIEL RICHARDSON, an) **CASE NO. CV 10-9147 VBF (MANx)**
 15 individual,) *[Assigned to the Hon. Valerie Baker*
 16) *Fairbank in Courtroom 9]*
 17)
 18) **PROTECTIVE ORDER ENTERED**
 19) **PURSUANT TO THE PARTIES’**
 20) **STIPULATION**
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

Plaintiff,
 vs.
 STATE OF CALIFORNIA;
 CALIFORNIA HIGHWAY PATROL;
 J.A. FARROW, Commissioner of
 California Highway Patrol, individually)
 and in his official capacity; COUNTY)
 OF LOS ANGELES; LOS ANGELES)
 SHERIFF’S DEPARTMENT; LEROY)
 D. BACA, Los Angeles County)
 Sheriff, individually and in his official)
 capacity; LARRY L. WALDIE,)
 Undersheriff of Los Angeles County,)
 individually and in his official)
 capacity; MARVIN O.)
 CAVANAUGH, Assistant Sheriff of)
 Los Angeles County, individually and)
 in his official capacity; PAUL K.)
 TANAKA, Assistant Sheriff of Los)

1 Angeles County, individually and in his))
 2 official capacity; ROBERTA ABNER,)
 3 Chief of Los Angeles County Sheriff's)
 4 Dept., individually and in her official)
 5 capacity; DAVID R. BETKEY,)
 6 individually and in his official)
 7 capacity; RICHARD J. BARRANTES,)
 8 individually and in his official)
 9 capacity; DENNIS BURNS,)
 10 individually and in his official)
 11 capacity; ALEXANDER R. YIM,)
 12 individually and in his official)
 capacity; MARK GRIFFITH, an)
 individual, and DOES 1 through 10,)
)
 Defendants.)
)

13 Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and based on
 14 the parties' Stipulation ("Stipulation") filed on July 1, 2011,¹ the terms of the
 15 protective order to which the parties have agreed are adopted as a protective order of
 16 this Court (which generally shall govern the pretrial phase of this action) except to
 17 the extent, as set forth below, that those terms have been substantively modified by
 18 the Court's amendment of Paragraphs 1, 2, 3, and 4 of the Stipulation.

19 The parties are expressly cautioned that the designation of any information,
 20 document, or thing as "confidential," or other designation(s) used by the parties, does
 21 not, in and of itself, create any entitlement to file such information, document, or
 22 thing, in whole or in part, under seal. Accordingly, reference to this Protective Order
 23 or to the parties' designation of any information, document, or thing as
 24 "confidential," or other designation(s) used by the parties, is wholly insufficient to
 25 warrant a filing under seal.

26
 27
 28 ¹ On August 3, 2011, a (Proposed) Order Granting Stipulation for Protective
 Order was filed, because it was inadvertently not included as an attachment to the
 July 1, 2011 Stipulation.

1 There is a strong presumption that the public has a right of access to judicial
2 proceedings and records in civil cases. In connection with non-dispositive motions,
3 good cause must be shown to support a filing under seal. The parties' mere
4 designation of any information, document, or thing as "confidential," or other
5 designation(s) used by parties, does not -- **without the submission of competent**
6 **evidence, in the form of a declaration or declarations, establishing that the**
7 **material sought to be filed under seal qualifies as confidential, privileged, or**
8 **otherwise protectable** -- constitute good cause.

9 Further, if sealing is requested in connection with a dispositive motion or trial,
10 then compelling reasons, as opposed to good cause, for the sealing must be shown,
11 and the relief sought shall be narrowly tailored to serve the specific interest to be
12 protected. *See Pintos v. Pacific Creditors Ass'n*, 605 F.3d 665, 677-79 (9th Cir.
13 2010). For each item or type of information, document, or thing sought to be filed or
14 introduced under seal in connection with a dispositive motion or trial, the party
15 seeking protection must articulate compelling reasons, supported by specific facts
16 and legal justification, for the requested sealing order. **Again, competent evidence**
17 **supporting the application to file documents under seal must be provided by**
18 **declaration.**

19 Any document that is not confidential, privileged, or otherwise protectable in
20 its entirety will not be filed under seal if the confidential portions can be redacted. If
21 documents can be redacted, then a redacted version for public viewing, omitting only
22 the confidential, privileged, or otherwise protectable portions of the document, shall
23 be filed. Any application that seeks to file documents under seal in their entirety
24 should include an explanation of why redaction is not feasible.

25 Notwithstanding any other provision of this Protective Order, in the event that
26 this case proceeds to trial, all information, documents, and things discussed or
27 introduced into evidence at trial will become public and available to all members of
28

1 the public, including the press, unless sufficient cause is shown in advance of trial to
2 proceed otherwise.

3
4 **TERMS OF PROTECTIVE ORDER**

5
6 1. The information and/or documentation referred to **subparagraphs (a)**
7 **and (b) below** will be referred to collectively as the “confidential materials.”

8 a. **Information and/or documentation from the criminal files of**
9 **any non-party, including, but not limited to, Christopher Cowzer; and**

10 b. **Information and/or documentation from the personnel file of**
11 **any and all defendants in the LOS ANGELES SHERIFF’S DEPARTMENT,**
12 **including but not limited to LEROY D. BACA, LARRY L. WALDIE, MARVIN**
13 **O. CAVANAUGH, PAUL K. TANAKA, ROBERTA ABNER, DAVID R.**
14 **BETKEY, RICHARD J. BARRANTES, DENNIS BURNS, ALEXANDER R.**
15 **YIM, and MARK GRIFFITH.**

16 2. The Court orders that the confidential materials be released to counsel
17 for the respective parties for the purposes of litigation in this matter. The parties and
18 their respective counsel hereby stipulate that the confidential materials shall be used
19 in this litigation as follows:

20 a. Confidential materials and the information contained therein shall
21 be used solely in connection with this litigation and the preparation of this case, or
22 any related appellate proceeding, and not for any other purpose, including any other
23 litigation or administrative proceedings;

24 b. Confidential materials produced in this action shall be designated
25 by stamping each page of the document “confidential”;

26 c. Under no circumstances shall the confidential materials, or the
27 information contained therein, be retained, compiled, stored, used as a database, or
28 disseminated in any form except for the purposes of this litigated matter in

1 accordance with this Protective Order or further Order of the Court;

2 d. **The County of Los Angeles (“Defendant County”) and Dariel**
3 **Richardson (“Plaintiff”)** reserve all objections, including but not limited to the
4 objections that particular documents are: confidential **or otherwise protected from**
5 **disclosure pursuant to** the attorney-client privilege and/or the attorney work product
6 doctrine **or the** official information privilege; **and/or** are not likely to lead to the
7 discovery of admissible evidence and are not relevant to the causes of action raised
8 by this lawsuit under Federal Rules of Civil Procedure, Rule 26(a)(1)(A)(B);

9 e. Plaintiff reserves all rights and remedies under Federal Rules of
10 Civil Procedure and Federal Rules of Evidence pertaining to discovery;

11 f. Defendant County reserves all rights and remedies under Federal
12 Rules of Civil Procedure and Federal Rules of Evidence pertaining to discovery;

13 g. Confidential materials and the information contained therein may
14 not be disclosed, except as set forth in Paragraph 5(h) below;

15 h. Confidential materials and the information contained therein may
16 only be disclosed to the following persons/**entities**:

17 i. Counsel for Plaintiff and counsel for Defendants.

18 ii. Paralegal, law clerk, stenographic, clerical and secretarial
19 personnel regularly employed by counsel referred to in Paragraph 5(h)(i) above.

20 iii. Expert witnesses retained for the purposes of this litigation
21 by counsel referred to in Paragraph 5(h)(i) above.

22 iv. **The Court and its** personnel, including stenographic
23 reporters necessary for the preparation and processing of this action.

24 v. Any individual approved by the Court.

25 i. Confidential materials shall not be divulged to any other person or
26 entity, including print, radio, and television media;

27 j. Confidential materials shall not be posted on the Internet or on
28 any website;

1 k. If confidential materials are included in any papers to be filed in
2 the court, **the party wishing to file such papers shall seek to have them filed**
3 **under seal**, pursuant to procedures set forth in Local Rule 79-5.1; and

4 1. Nothing in Paragraph 5(c) is intended to prevent authorized
5 government officials for **Defendant** County from having access to the documents, if
6 they **have or** had access in the normal course of their job duties;

7 3. The parties shall cause the substance of this Protective Order to be
8 communicated **to**, and **shall** obtain agreement to abide by the Protective Order **from**,
9 each person **or entity, except the Court and its personnel, to whom or which**
10 confidential materials are revealed in accordance with this **Protective Order**.

11 4. After completion of the judicial process in this case, including any
12 appeals or other termination of this litigation, all confidential materials produced by
13 **Defendant** County under the provisions of this **Protective Order**, and copies thereof,
14 **except those filed with this Court and any appellate court(s)**, shall be destroyed or
15 returned to the attorneys of record for **Defendant** County, Collins Collins Muir +
16 Stewart LLP, at 1100 El Centro Street, South Pasadena, California 91030.

17 5. That any counsel, expert or consultant retained in the instant case, or
18 investigator retained by counsel for any party to this case, shall not disclose the
19 confidential materials or the information contained therein, in any other court
20 proceedings subject to further order of this Court;

21 6. Provisions of this **Protective Order** insofar as they restrict disclosure
22 and the use of materials shall be in effect until further order of this Court.

23 **IT IS SO ORDERED.**

24
25 DATED: September 8, 2011

Margaret A. Nagle

26
27 MARGARET A. NAGLE
28 UNITED STATES MAGISTRATE JUDGE