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11 Attorneys for Defendants,
 12 CITY OF SIMI VALLEY, CHIEF MIKE
 LEWIS, individually and as a peace officer,
 13 RICHARD WIGGINTON, individually and
 as a peace officer
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15 **UNITED STATES DISTRICT COURT**
 16 **CENTRAL DISTRICT OF CALIFORNIA**

17
 18 MARK MUNDELL,
 19 Plaintiff,
 20 v.
 21 CITY OF SIMI VALLEY, et al.,
 22 Defendants.

CASE NO. CV11-00174 GAF (JCGx)
 [Hon. Gary Feess]
PROTECTIVE ORDER

23
 24 Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that:

25 1. Documents subject to this stipulation are Simi Valley Police Department
 26 personnel records relating to defendant Richard Wigginton which are responsive to
 27 plaintiff's Demand for Production of Documents (Set One), item Nos. 1, 2, 16, and 18, to
 28 wit:

1 (a) Personnel and administrative complaint investigations by the Simi
2 Valley Police Department regarding Richard Wigginton (limited in scope by defendants
3 to complaints for excessive force, civil rights violations, or K-9 incidents) (DFP No. 1);

4 (b) Simi Valley Police Department administrative investigation file
5 regarding the incident involving the plaintiff (DFP No. 2);

6 (c) Formal and informal station of assignments performance and/or
7 rating evaluation for defendant Wigginton for the five years preceding the date of the
8 incident to date (DFP No. 16);

9 (d) Background investigations into defendant Wigginton's suitability to
10 serve as a law enforcement officer conducted by the Simi Valley Police Department
11 (DFP No. 18).

12 2. The Court finds that the documents described and identified in paragraph 1
13 are, by their nature and description, confidential and are the proper subject of a privilege,
14 and the defendants' concerns of privilege and other objections raised in their response
15 and outlined in their privilege logs are adequately protected by the protective agreement
16 and order.

17 3. Defendants may redact highly personal and irrelevant confidential
18 information regarding defendant Richard Wigginton contained in such personnel files
19 and documents, such as, but not limited to, home addresses, phone numbers, names of
20 family members, personal injury and workers' compensation information, salary
21 information, tax return information, non-police-related occupational and educational
22 information, and similar information.

23 4. The Court may modify this protective order at any time for good cause
24 shown and upon notice to the affected parties. The parties themselves may further
25 stipulate to add or delete documents or information subject to this protective order.

26 5. The defendants may produce the documents referenced in this protective
27 order subject to the following protections:

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1 (a) All such documents, writings, and information will be considered
2 confidential information. This confidential information shall be used solely in
3 connection with this case and the preparation and trial of this case, or any related
4 appellate proceeding, and not for any other purpose.

5 (b) Said documents and information shall not be disclosed by plaintiff or
6 his attorneys to anyone other than:

- 7 (1) The plaintiff's attorney and his staff;
8 (2) Any expert or consultant hired or retained by plaintiff or his
9 attorney;
10 (3) Any judge or magistrate judge presiding over any aspect of this
11 action;
12 (4) Any mediator or other settlement officer agreed to or appointed
13 to assess and evaluate the dispute;
14 (5) Subject to the below exceptions, any witnesses disclosed by
15 any party pursuant to Rule 26(a)(1), (2), and (3) of the Federal Rules of Civil Procedure
16 and local rules, or any deponent in the course of testifying or preparing for testimony.

17 6. It is hereby agreed that the materials produced pursuant to plaintiff's
18 Demand for Production, Nos. 1, 2, 16, and 18, shall not be provided to or viewed by the
19 plaintiff, the plaintiff's family, or friends of the plaintiff.

20 7. Said documents and information shall not be provided to news media,
21 television, radio, or placed on the Internet.

22 8. All persons to whom said documents are disclosed will be apprised of this
23 stipulation and of its binding nature on all persons connected with this case.

24 9. To the extent that any confidential information is disclosed to a witness
25 pursuant to this order, the documents shall be appropriately marked "Confidential
26 Document produced in *Mark Mundell v. City of Simi Valley, et al.*, USDC case number
27 CV11-00174 GAF (JCGx), subject to protective order."

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10. Confidential information or documents shared with or otherwise disclosed to witnesses shall be returned to the disclosing party at the conclusion of this action, and any copies shall be destroyed forthwith at the conclusion of this action.

11. There is no concession by defendants as to the admissibility of such items herein disclosed, and defendants have the right to seek exclusion of any such items or the information contained therein or their existence either in limine or during trial.

IT IS SO ORDERED.

Dated: October 9, 2012



JAY C. GANDHI
United States Magistrate Judge