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13 Attorneys for Defendants

14 **UNITED STATES DISTRICT COURT**
 15 **CENTRAL DISTRICT OF CALIFORNIA**

17 DEBORAH MUSTAIN, DAVID
 18 RAMOS,

19 Plaintiffs

20 v.

21 CITY OF SIMI VALLEY, CHIEF
 22 MIKE LEWIS, individually and as
 23 a peace officer, JAMES WISMAR,
 24 individually and as a peace officer,
 25 HILLARY BUCKLAND,
 26 individually and as a peace officer,
 27 JOSHUA LORENCZ, individually
 28 and as a peace officer, and DOES 1-
 10, inclusive.

Defendants.

) Case No. CV 11-01612 GHK
 (SHx)

) **STIPULATED PROTECTIVE**
) **ORDER**

) Judge: Hon. George King
) Courtroom: 660

1 Plaintiffs DEBORAH MUSTAIN and DAVID RAMOS and Defendants
2 CITY OF SIMI VALLEY, CHIEF MIKE LEWIS, JAMES WISMAR, ,
3 HILLARY BUCKLAND, and JOSHUA LORENCZ by and through their
4 respective counsel of record, hereby stipulate and agree to the entry of a Stipulated
5 Protective Order as follows:

6 Discovery in this matter will necessarily involve discovery of peace
7 officer personnel records. The parties to this lawsuit, recognizing the statutory and
8 constitutional rights to privacy that a peace officer has in his or her personnel
9 records, stipulate to abide by the terms and conditions of this Protective Order once
10 approved by the Court.

11 1. The parties, in the production or disclosure of documents in this case, may
12 designate any document, thing, material, testimony or other information derived
13 therefrom that includes protectable information from a peace officer's personnel
14 records as "CONFIDENTIAL" under the terms of the Protective Order (collectively
15 referred to as "Confidential Documents"). Confidential Documents may include
16 those described in California Penal Code §832.7, and includes peace officer
17 personnel records and records maintained by the City of Simi Valley pursuant to
18 California Penal Code § 832.5 or information obtained from those records. As
19 defined in Penal Code § 832.8, "personnel records" means any file maintained under
20 an individual peace officer's name by his or her employing agency and containing
21 records relating to any of the following: (1) personal data, including marital status,
22 family members, education and employment history, home addresses, or similar
23 information; (2) medical history; (3) election of employee benefits; (4) employee
24 advancement, appraisal or discipline; (5) complaints or investigation of complaints
25 concerning an event or transaction in which he or she participated, or which he or
26 she perceived, and pertaining to the manner in which he or she performed his or her
27

1 duties; (6) any other information the disclosure of which would constitute an
2 unwarranted invasion of personal privacy.

3 2. Confidential Documents do not include: (1) documents already lawfully in
4 the possession of the party to whom the Confidential Document is being produced;
5 or (2) documents available to the public.

6 3. Attorneys for the parties shall personally secure and maintain the
7 Confidential Documents in their possession to the end that said Confidential
8 Documents are to be used only for the purposes set forth below and for no other
9 purpose.

10 4. The Confidential Documents shall be used only in preparation for this case,
11 up to and including the completion of the judicial proceedings, including appeal.

12 5. Once the case proceeds to trial, documents that were designated as
13 Confidential may be admitted as evidence at trial without regard to the provisions
14 of the Protective Order, subject to any other available objections by any party.
15 Anyone who wishes to have such documents treated as Confidential may renew
16 their request before the trial judge.

17 6. By entering into this protective order, there is no waiver of any objections
18 any party might have to the introduction of the Confidential Documents into
19 evidence at the time of trial. In addition, the production of Confidential Documents
20 by defendants pursuant to this Protective Order shall not constitute a waiver of any
21 objections that defendants may have to the production of the Confidential
22 Documents pursuant to the California Government Code, California Evidence Code,
23 California Penal Code or other applicable state or federal authority.

24 7. Confidential Documents shall not be shown, produced or otherwise
25 disseminated to any member of the public, counsel who are not counsel of record in
26 this case, or the media.

1 8. Any Confidential Document, if filed with the court or if attached as an
2 exhibit to a deposition or motion, shall be filed under seal after compliance with
3 Local Rule 79-5.1 et seq. absent stipulation among the parties or court order with
4 notice to all parties. If the contents of Confidential Documents are referred to or
5 discussed during a deposition, the portion of the deposition that discusses the
6 Confidential Documents shall be treated as a protected document hereunder.

7 9. Dissemination of the Confidential Documents during the pending judicial
8 proceedings shall be limited to the parties, counsel for the parties, the parties'
9 witnesses during a deposition, staff of counsel, expert witnesses and the court. A
10 court reporter may also be provided with the Confidential Documents but where it
11 has been attached to a deposition and then the protected document must be under
12 seal and clearly marked as "Confidential - Subject to Protective Order."

13 10. Prior to any disclosure of any Confidential Documents to any person
14 referred in Paragraph 10, such person shall be provided by counsel with a copy of
15 this Protective Order and shall in writing state that he or she has read this Order and
16 agrees to be bound by its terms. Said counsel shall retain each signed writing.

17 11. At the conclusion of the legal proceedings in this matter, each person who
18 has received a copy of Confidential Documents (court personnel excluded) shall
19 return all such Confidential Documents to the attorneys for the party who gave
20 him/her the copy. All copies of the Confidential Documents must then be returned
21 to the party who produced the Confidential Documents at issue.

22 12. No electronic copy of any Confidential Document may be made. If, in the
23 future, an electronic copy of any Confidential Document is necessary for a court
24 filing pursuant to electronic filing rules, the parties agree to meet and confer to
25 discuss any appropriate exceptions or modifications to the Protective Order for that
26 purpose.

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13. The attorneys for the parties shall not cause or knowingly permit disclosure of the contents of the Confidential Documents beyond the disclosure permitted under the terms and conditions of this Order.

14. Protected documents in this Order shall be clearly marked by means of a stamp indicating "Confidential Subject to Protective Order."

15. All designations of confidential material in this case must be made in good faith. Any party who either objects to any designation of confidentiality, or who, by contrast, requests still further limits on disclosure (such as in *camera* review in extraordinary circumstances), may serve upon counsel for the designating person or party a written notice stating with particularity the grounds of the objection or request. If agreement cannot be reached promptly, counsel for the objecting party may seek appropriate relief from the Court in accordance with Local Rule 37.

16. Any party who violates this protective order may be subject to contempt and/or sanctions as the Court may deem appropriate upon notice and an opportunity to be heard (pursuant but not limited to FRCP 26 and/or FRCP 37).

IT IS SO STIPULATED:

DATED: May____, 2012

THE BECK LAW FIRM

By: _____
Thomas E. Beck
Attorneys for Plaintiffs

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DATED: May , 2012

NYE, PEABODY, STIRLING, HALE
& MILLER, LLP

By: _____
Jonathan D. Miller

Attorneys for Defendants

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Order

Good cause being found,

IT IS SO ORDERED that the above stipulation shall be in effect.

DATED: May 22, 2012



Honorable Stephen J. Hillman
United States Magistrate Judge